

City Planning Commission Regular Meeting  
Committee of the Whole Room  
13th Floor - Coleman A. Young Municipal Center  
Thursday, November 3, 2005, 4:30 P.M.

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**APPEARANCES:**

For the CPC:

ARTHUR SIMONS  
SUSAN GLASER  
ROBERT L. GLENN  
KATHLEEN WENDLER  
ANTHONY JEFFREY  
MARSHA BRUHN  
ROY LEVY WILLIAMS

For City Staff:

RORY BOLGER  
MARCELL TODD  
GREGORY MOOTS  
ROBERT DAVENPORT  
KATHRYN UNDERWOOD

Speakers:

MRS. NICKERSON  
DAN PEDERSON  
STEVE GABRYS  
ALISON BENJAMIN  
PATRICIA CARTER  
CHIDI NYECHE  
EDWARD LOWE  
JEROME MORGAN  
DENNIS NOWAK  
SAM SMITH  
STEVEN FLICK  
CATHY RICHARDSON  
JIM STONE  
PAUL LOCRICCHIO  
MANDY PALAZZOLO  
THOMAS MILANO  
KATHERINE WHEELER KING  
SUSAN STEINHAUER  
RONALD MIKULAH  
KAREN BROWN  
JOHN MYERS  
GWENDOLYN MINGO  
DOMINIC MARTURANO  
MICHAEL PERRY  
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Detroit, Michigan

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MR. SIMONS: This Regular Meeting of the City Planning Commission will now come to order. The date is November the 3rd, 2005. We will have a roll call.

MS. BRUHN: Commissioner Cason may not be here, Mr. Chairman.

MR. SIMONS: Right.

MS. BRUHN: Commissioner Christensen will not be here, he has a conflicting meeting. Commissioner Glaser?

MS. GLASER: Here.

MS. BRUHN: Commissioner Glenn?

MR. GLENN: Here.

MS. BRUHN: Commissioner Jeffrey?

MR. JEFFREY: Here.

MS. BRUHN: Commissioner Simons?

MR. SIMONS: Here.

MS. BRUHN: Commissioner Smith will not be here. Commissioner Wendler?

(No verbal response.)

MS. BRUHN: Commissioner Williams?

MR. WILLIAMS: Here.

MS. BRUHN: You do have a quorum present, Mr. Chairman.

MR. SIMONS: Thank you, Ms. Bruhn. Amendments to and approval of the Agenda?

MS. BRUHN: Yes, Mr. Chairman, there are no Minutes, so

that will have to be rescheduled to the next meeting.

MR. SIMONS: And the Agenda has been approved as written, no changes. Okay, now we're ready to move into Item III (A). This is a public hearing. Consideration of the second general amendment to the Zoning Ordinance to provide various changes and clarifications relative to procedure and jurisdiction, signage, specific land uses, off-street parking, accessibility and definition. The staff member, Rory Bolger, will be presenting. This is a public hearing. Those who wish to speak should fill out a card and pass them up. Good evening.

MR. BOLGER: Good evening. This is a statutory public hearing for consideration of a text amendment to Chapter 61 of the 1984 Detroit City Code, the Zoning Ordinance for the City of Detroit. Commissioners will remember that back in May, right around Memorial Day, the new Zoning Ordinance for the City of Detroit went into effect, pretty much right at the same time the Commission had had a public hearing to consider a fairly lengthy first amendment to that Ordinance, something that was anticipated all along. And since the implementation of the Ordinance since Memorial Day, the various departments that are administering the Ordinance have found any number of glitches that need to be fixed, a number of other ideas that could be used to help clarify provisions in the Ordinance, and a couple new substantive provisions that are being implored. They're packaged together in an Ordinance that was given to you, that's 193 pages long, and just -- just to set you at ease, most of those 193 pages, or a great deal of them, involve changes which are of a non-substantive nature, or of a housekeeping kind of nature. The substantive provisions I'll be pointing out preceding the public hearing comments from the -- from the public. And this is being brought to you as a result of joint effort between the Buildings and Safety Engineering Department, the Planning and Development Department, the Board of Zoning Appeals, the Law Department, and City Planning Commission staff; although they're pretty much the same body of City staff, they did work on the large new Zoning Ordinance and the first amendment to reconvene after having looked at the Ordinance, and has made a list of suggestions.

Although there are quite a few that are contained here, there are many more that still would need to be incorporated, however, some of them are more complex, some of them are more controversial, so in the new year you can expect a third general amendment to the new Zoning Ordinance.

We are presenting these to you tonight, even though we know there are more to be done, because we -- we have hopes that the

second amendment will be incorporated into Chapter 61 in time for the newly published City Code. Every 20 years or so, the City Code is recodified, the Law Department is in that process right now, and they've extended the deadline for any additional amendments, so that those can all be included in the newly published version of the City Code. That will avoid there having to be supplements or slip sheets for future parts of the Zoning Ordinance. It will be unavoidable down the line, but we want to get as much into the original publication as possible.

In terms of the scope of the Ordinance, there are a number of provisions that are new to the Zoning Ordinance, but many of them are provisions which we refer to as "non-substantive," or just kind of housekeeping changes, and those largely involve the correction of misspellings, some misplaced punctuation, or missing punctuations; some problems with conjunctions and prepositions and singulars and plurals and numerals. And in a number of instances, because the new Zoning Ordinance is filled with cross- references to other provisions in the code, in some instances where there's been the typographical error, where the reader is being sent to an inapplicable cross-reference, to an inapplicable section. So we're trying to catch up with all of those -- with all of those provisions.

There are 44 different sections in this amendment we're giving you that are nothing but those kinds of housekeeping changes. There are also a number of maps which we're giving you for correction. At the time that the Ordinance was passed, we noticed that there was a couple maps which didn't reflect earlier rezonings that this Commission and City Council approved, and we inadvertently left those rezonings off, and we wanted to make sure that those were corrected.

Also, Mr. Moots in our office, who has been working on, with the mapping of the city and many of the zoning maps, knows that a good number of the maps don't show the historic districts identified on the maps, so he's given us another stack of maps where that information is included in it.

As far as some of the more significant provisions in the Ordinance, there are several procedural and jurisdictional issues which are clarified; one provision having to do with who issues flood-plain permits in the city. There was contradictory information in the Ordinance, it misclarifies that it's Department of Environmental Affairs. Similarly, when it comes to junkyards, the Ordinance clarifies that it's the Solid Waste Facility Review Committee, and not the Industrial Review Committee which has jurisdiction. The term "first body of jurisdiction," so it's clarified, so it's clear to the Board of Zoning Appeals and B&SE what is meant by that. Basically, whichever department or whichever

office has the ability to say yes or no to a land use, is the one that is viewed as being the first body of jurisdiction.

Some of the requirements for review of petitions of neighborhood consent are clarified with regard to controlled use, such as party stores. And then clarification is made of how site plan reviews should be handled at the Board of Zoning Appeals when hardship, when and if hardship relief petitions come before -- come before the board.

On a more substantive level, there are a number of signage provisions which are put in. There is some clarification made that, in the institutional bullet, the kind of sign that you might see in front of a church or a hospital, with kind of a menu of information, that that should be considered as a business sign, and then would be subject to the other provisions of the Business Sign Ordinance that are found in Chapter 3 of the City Code. Also, we're clarifying that where there is a directional sign; you know, a small arrow that says "enter" for a parking lot or for a business, that those don't necessarily just have to be planted on the ground, they could also be on the wall of a building. This Ordinance would also allow for off-premises directional signs, so that somebody could have an arrow pointing to their property, on someone else's property, provided that that sign is not more than 100 feet away from the land use that it's giving directions to. Of course, the permission of the landowner would be required for that.

The Zoning Ordinance has never spoken to the question of the kinds of signage that would be permitted on construction sites. We see signs all the time on construction sites, but there have never been regulations guiding how much signage or how little signage, where that signage should be, so a provision is put in to clarify that.

When the Advertising Sign Ordinance was amended a few years back, there were restrictions for area and height of advertising signs and billboards that were put in, that were geared toward the size of the street that the sign was oriented to. We noticed that there -- we omitted to reference rights-of-way that were exactly 80 feet in width, so we said here is one schedule of height and area limits that apply to streets that are less than 80 feet, here is another schedule that applies to those that are 80 feet, that a lot of streets in the city of Detroit are exactly 80 feet, so that's another thing that we've taken care of in this Ordinance.

We've clarified the formula for computing the amount of temporary signage that would be permitted on the buildings, and we've also amended the Temporary Signs Provision so that places such as Cobo Hall Convention and Exhibit Buildings would not be limited in

terms of the amount of area of the convention center that could bear a temporary sign. You notice that they're in the business of having occasional events, and that they had requested that ability to put up signs without being restricted in the same way that a store on one of the mile roads might be.

Lastly, we're restoring a provision which was inadvertently omitted in the new Ordinance, which allows on-premises business signage to be constructed up to a height that would be permitted otherwise in the Zoning District. This was something that had been on the books in the old Zoning Ordinance, and slipped out of the Ordinance.

There are 12 particular land uses where we're making some sort of a change, or some sort of addition to the use regulations for those uses. Significantly among them has -- has to do with any residential or public, civic, or institutional land use that might locate in an existing building. Initially, that would be an existing commercial building, or in some instances, a warehouse or an industrial building. When a child care center, or a library, or a museum wants to house its operations in what may have been perhaps even in a brownfield area, a building that's been sitting idle for a while, the Zoning Ordinance has yet to provide a 20-foot setback, and also that there are certain lot area and lot width requirements, and unless the applicant is willing to demolish the front 20 feet of the existing building, they have to go to the Board of Zoning Appeals. So a lot of applicants have gone to the Board of Zoning Appeals, invariably they're approved. We think it's a provision that, you know, it's outlived its usefulness, and that since we're trying to get old buildings reoccupied, removing that requirement of setback lot area and lot width for public, civic, and institutional uses, as well as residential uses, would make sense in terms of getting buildings reoccupied.

A second thing ties in with adult foster care homes. When the city of Detroit's population fell below one million, we became subject to different regulations in a number of different ways. The State, City and Builders Zoning Act had a provision in it, that when it came to State license for residential facilities, which would include adult foster care homes, that municipalities having more than one million people could require a spacing between adult foster care homes of at least 3,000 feet, and that's what our Zoning Ordinance reflected. Now that the population of the city of Detroit has fallen below one million, where the rules, different rules apply to us, the same rules that apply to all of the other cities in the state of Michigan; namely, that if a new adult foster care home wants to be established in the city of Detroit, it may not be closer than 1,500 feet from the nearest adult foster care home, rather than 3,000 feet. Something that we're amending our Zoning Ordinance, so that it's



consistent with State law.

MR. WILLIAMS: Mr. Chair, if I may? I know that you're going to get a lot of questions from the audience on this particular issue, but I also know, having worked at the State level, that a lot of laws were put for Detroit, the easiest way to make them be just for Detroit was to say cities over one million. Okay, I think we're still probably the largest city, that we talk under a million, but I think adjusting some of those laws along those lines, so I'm not sure that -- that just simply because we're under a million now, we would have to fall into the same category. I'm not sure that I accept your definition, Rory, in terms of the fact that we now fall into this, from 3,000 down to 1,500, because I know that the million figure, they did that for, say, in Detroit. They're now findings other ways to say -- and I'm not quite sure what they are -- that make Detroit stand out from the rest, because it still is the largest. And in this particular case, based upon where most of the adult foster care homes are, and based on the structures of the community, this still does give me pause. So just to say that it's to follow the law, it doesn't -- I'm not comfortable with that.

MS. BRUHN: Just to respond to Commissioner Williams, what happened previously was that a number of State laws were changed to exempt cities, 750,000 or more. It used to be a thousand -- I mean, a million.

MR. WILLIAMS: Okay.

MS. BRUHN: So some -- some of those laws are changed to say 750,000. So that is another way to approach this, to go with the State level and try to keep this 3,000-foot provision and amend the State law.

MR. WILLIAMS: I see, okay.

MS. BRUHN: So that could be an option.

MR. WILLIAMS: Okay, I knew that -- I wasn't quite sure. I knew how they used to do it when I worked for Governor Milliken, I don't -- I didn't know how they were doing it now. So it is now 750,000, so the other way to do this, to treat it like we should be exempt because we're over 750,000. Thank you.

MR. BOLGER: A third provision dealing with specific land use is --

MR. WILLIAMS: Well, I have -- never mind, I'll let you finish.

MR. BOLGER: Cellular telephone antenna towers is another land use about which there have been a number of regulations, and one of the things that the Wireless Telecommunication Site Review Committee is seeing, is that more and more and more requests are coming in, because more people are using cell phones out of their home. The five licensees for cellular communications are continuing to find more antenna towers up, and we're finding that very often there are parts of the city where there is no industrial land where we want the antennas to go, but instead add new antenna towers in, but going up on a B4 business strip, which is oftentimes only separated from an R1 residential neighborhood by an alley. So we're suggesting a provision which would allow -- and cell towers are permanently prohibited on land zoned R1, R2, and R3, because of the typical single-family character of those neighborhoods.

We're saying that, we're proposing that if the land is zoned R1, 2, or 3, but the land use is one where you have an athletic field, where you already have light towers lighting the field, that a cell tower be allowed in that instance on a conditional basis. And similarly, if there is a cemetery where you have expansive grounds, that cemeteries would also be a land use where a cell tower could go in, but again, only on a conditional basis.

A fourth provision ties in with bars, cabarets, and hotels. We realize that part of the Central Business District falls within the near east riverfront area; some of the land there is zoned SD4. When the new Zoning Ordinance was put on the books, any bar or cabaret, not to be confused with adult cabaret, or hotel that was in the Central Business District was now listed as a by-right use. Anything that's outside of the Central Business District, it would be listed as a conditional use, and still treated as a regulated use. We missed the fact that there's two blocks of the C -- of the Central Business District that are zoned SD4, so we want to amend a portion of the SD4 District so that bars, cabarets and hotels that fall in the CBD portion of SD4 would be allowed on a by-right basis.

Similarly, there's a provision that was inadvertently left out of the new Ordinance, that had always been on the books, that where there is a 50-unit apartment building, or a 50-unit hotel, or a 50-unit motel, even if the land was zoned R5 or R6, where the bars would usually be prohibited as a stand-alone use, that kind of a lounge would be able to be established inside of the apartment building, or inside the hotel, or inside the motel. Wouldn't be able to advertise to the general public; it would be there for the convenience of the residents or the guests of that building, so we're restoring that provision to the Zoning Ordinance.

We're also saying that child care centers, which is a land use prohibited on land zoned R1, that where a child care center wants

to move into an existing building in an R1 or an R2 District, that that would be permitted. Again, in the same spirit of trying to reoccupy existing buildings, and in fact we find that many child care centers operate as parts of schools or churches on land zoned R1 or R2, and they do so in a way which is not detrimental. The prohibition against someone operating a child care center out of their house, or building a commercial child care center as a stand-alone use, would still be in effect; however, a child care center could move into an existing building where a public, civic, or institutional use, which is permitted by the Zoning Ordinance, already is operated.

MR. SIMONS: Roy?

MR. BOLGER: Yes.

MR. SIMONS: What -- on what zoning should be -- what zoning is the child care center not permitted?

MR. BOLGER: As a stand-alone use, R1 and R2.

MR. SIMONS: Not permitted there?

MR. BOLGER: Correct. In the R1 and R2 Districts, the only type of child care that has been permitted, has been what the State refers to as "family day care home," so I take in not more than six children, and take care of them in my house; I've been certified by the State Department of Human Services, I'm registered with the State, and I'm able to do that basically as an accessory activity that requires a permit in my house. This would go beyond that and it would say, you know, the practical effect is if it is a community center, or if there's a church, or if there is a school, all of which are permitted on land zoned R1 or R2, and that use wants to house a child care center on their premises, it would be able to do that, even though the land is zoned R1 or R2.

MR. GLENN: Rory?

MR. BOLGER: Yes, sir.

MR. GLENN: You're not saying -- does that remain the same in the new Ordinance as it is, R1 and R2 is still exempt from, unless it may be done by the State?

MR. BOLGER: The -- the old Ordinance only allowed the family day care kind of child care and it prohibited a child care center, where you've got a commercial operation. The new Ordinance has done the same thing.

MR. GLENN: That's what I thought.

MR. BOLGER: And now what we're saying is let's make an exception for the instances where you have an already established use permitted in R1 or R2 to allow them to house a child care center in that building.

MR. GLENN: A child care center?

MR. BOLGER: Yes.

MR. GLENN: But that doesn't include adult?

MR. BOLGER: Correct, it does not include adults.

MR. GLENN: Okay, that's what I wanted -- those who already have established, not to give a chance of view in coming into an R1 and R2?

MR. BOLGER: For adult?

MR. GLENN: No, I'm talking about child care.

MR. BOLGER: The -- if I'm understanding correctly, the only -- the only kind of child care center that would be able to come into R1 and R2, if the Ordinance before you is passed, is one that's going to go into a school, or it's going to go into a church, or it's going to go into a nonprofit neighborhood center, one of those uses which the Zoning Ordinance already says these are okay in R1 or R2; in other words, it could be a program of that institution that's already there.

MR. GLENN: But not an adult, okay.

MR. WILLIAMS: I have some, kind of the same problem that Commissioner Glenn has. I understand, and I don't have any problem if there is a church already there --

MR. BOLGER: Yes.

MR. WILLIAMS: -- then that church can do a child care center; there's a library already there, that library can do a child care center, but I'm not sure that -- and maybe it's because it's worded so legally -- that I'm comfortable with the wording that you have on this page that says -- because it doesn't say that the public, civic, institutional use is already there.

MR. BOLGER: The reference would be to existing buildings, so that where it's limited to being located in existing buildings occupied by a public, civic, or institutional use permitted in that zoning district. So, I think the existing building is the key -- is the key point on that.

MR. WILLIAMS: Okay, what -- what if an existing building had a library, and the library was gone, it then could be used for a day care center totally?

MR. BOLGER: The -- in an R1 or an R2 District, if it's -- if it's an existing building, yes, you could have a --

MR. WILLIAMS: But the other (inaudible) is gone?

MR. BOLGER: If it were -- I'm sorry, if it were occupied by a public, civic, or institution use.

MR. WILLIAMS: Okay. Existing buildings occupied by --

MS. BRUHN: If it's cleared land? Are you asking about cleared land?

MR. WILLIAMS: No. I understand it's existing buildings occupied -- occupied.

MR. BOLGER: Yeah.

MR. WILLIAMS: We have to take all of those things as preferences, I mean as conditions, prior to --

MR. BOLGER: Yes.

MR. WILLIAMS: Okay.

MR. BOLGER: If it's not occupied, then a child care center can't move into, can't get a permit for operating out of there.

MR. JEFFREY: I was going to save my questions, but since we're asking, I want to go back to the cell tower issue.

MR. BOLGER: Yes.

MR. JEFFREY: Go back over that and explain to me what you said about the cell towers.

MR. BOLGER: Surely. Cell towers would be newly permitted --

MR. JEFFREY: They were only permitted previously --

MR. BOLGER: -- in R4, R5, R6, B1 through B6, M1 through M5.

MR. JEFFREY: Okay.

MR. BOLGER: Cell towers themselves were prohibited on land zoned R1, 2 and 3. Antennas for cellular communications have been permitted in the R1, R2 and the R3 District, if it's just being attached to an existing building.

MR. JEFFREY: Okay.

MR. BOLGER: So if goes in a steeple of a church, it doesn't matter if it's zoned R1, 2 or 3. If it's going on the chimney of the school's tower plant, it doesn't matter if it's R1, R2 or R3. What this is saying, that the actual tower, which may be 75 - a 75-foot is something that would be permitted on a conditional basis, at a lighted athletic field.

MR. JEFFREY: So, like a park?

MR. BOLGER: Yeah, for example -- yeah, Palmer Park, for instance, or Patton Park, Jane Field, Northwestern Bishop, Hammerberg (ph), and Vincent Park.

MR. JEFFREY: So any of the parks, city parks, you can now put cell towers in?

MR. BOLGER: No.

MR. JEFFREY: Which ones?

MR. BOLGER: No, only -- well, a number of parks you already can because they're -- because they're zoned in a zoning district classification that would otherwise would allow it.

MR. JEFFREY: Right.

MR. BOLGER: If the park does not have a lighted athletic field, like it doesn't have a baseball diamond --

MR. JEFFREY: Right.

MR. BOLGER: -- or it doesn't have, you know, a football field of some sort --

MR. JEFFREY: Right.

MR. BOLGER: -- where you already have fairly tall light standards up there, the sense is, add one more tall skinny pole, put antennas on it, as a way of trying to keep a new antenna tower from going up on Livernois or on Gratiot, where there is already an awful lot of them, and they're very close to my house, or your house, where we're looking at an area -- the places that have lighted athletic fields, that are zoned R1 or R2 or 3, range anywhere from like a

seven-acre site, all the way up to 200-and-some acres.

MR. JEFFREY: Right.

MR. BOLGER: So, and it's because it's on a conditional basis, Planning and Development Department takes it through site plan review.

MR. JEFFREY: Right.

MR. BOLGER: They can find the least conspicuous place for it to go.

MR. JEFFREY: Okay, so we're -- we're -- I'm just trying to get an understanding.

MR. BOLGER: Right.

MR. JEFFREY: Where we have so many towers coming in, and now we're trying to find other places to put them.

MR. BOLGER: That's correct.

MR. JEFFREY: As opposed to limiting the number that comes in. I mean, are we the only ones that's having this problem; are other municipalities having to find places to put them?

MR. BOLGER: Yes. And many other municipalities --

MR. JEFFREY: How have they solved it?

MR. BOLGER: Well, especially in the surrounding areas to Detroit, a lot of the areas already allow them in parks, and they try to keep them like in areas that are city-owned. In many places, they want them on city-owned facilities, so the city can collect the rent check, but they'll have them in --

MR. JEFFREY: Are we going to get paid for them to be there?

MR. BOLGER: Oh, yes.

MR. JEFFREY: Okay, now you're saying one in the parks that you mentioned, that would qualify; only one could go in?

MR. BOLGER: No, any -- on one tower, it's possible to get one, two, three, four, five or six carriers on the same -- on the same tower.

MR. JEFFREY: Okay. I mean, in the park, Patton Park, you

could get, how many towers would be allowed to go in there?

MR. BOLGER: It's all taken on a case-by-case basis. So, for example, Palmer Park right now already has a communications tower there that EMS uses.

MR. JEFFREY: Right.

MR. BOLGER: Some of the cell carriers are already on it, it's overloaded at this point. They can't fit more antennas on them, and so the idea is, if there is able to be a new antenna tower someplace within Patton Park, that's able to -- since a lot of the carriers are finding that's a black hole, in terms of coverage, a lot of dropped calls in the area right there, and if they don't go there, they end up going on Livernois and some other -- some other areas nearby.

MR. JEFFREY: So given our financial condition, we basically are -- are just allowing more and more towers, is what you're saying, right? We're providing opportunity?

MR. BOLGER: Yes. And there's -- we're allowing for that. We're also operating under the Federal Communications restrictions against municipalities, which is saying you can't say no --

MR. JEFFREY: Okay.

MR. BOLGER: -- where we've licensed somebody to provide service to an area.

MR. JEFFREY: You have to give them a spot?

MR. BOLGER: Yeah, you have to give them a spot. We can -- we can figure out the time, place, and manner of restriction. We can say "go here, not here."

MR. JEFFREY: Okay.

MR. BOLGER: And much of, and what our job is to try to figure out, okay, where do you put something ugly where it's going to have the least impact, and perhaps have the least detrimental effect.

MR. JEFFREY: What are some of the conditions -- and I don't want to hold you up -- what are some of the conditions that would be placed on these towers? You said, with conditions.

MR. BOLGER: Sure. Again, that will be case specific, so when Mr. Davenport over here, from Building and Safety, holds a hearing on it, he'll be taking testimony from the neighbors who may have some very strong feelings about, don't put it here, you know,



next to such and such a facility, it needs to go someplace else, perhaps, you know, close to where there is a lot of trees, where it's not going to be visible. Typically, Building and Safety will prescribe, limit -- or prescribe certain kinds of landscaping to go around the compound where the equipment is, and they'll put in certain kinds of, you know, both landscaping, then screening; what kind of fencing should go around it.

MR. JEFFREY: One last question. Are we less restricted, as restricted, or more restricted than other municipalities, as a whole?

MR. BOLGER: We're -- we're more restricted in certain ways, and less restricted in other ways. To our great consternation, we find a lot of applications coming in for city limit sites, because Grosse Pointe doesn't want to allow them, or other municipalities don't want them in their -- don't want them in their municipalities.

MR. JEFFREY: So --

MR. BOLGER: And that's one -- and I think largely because our Ordinance was developed in 1988, at the beginning, we have some provisions that do make it possible.

MR. JEFFREY: Right.

MR. BOLGER: When it comes down to a conditional use, B&SE has to grant the use if the applicant satisfies all the findings that need to be made.

MR. JEFFREY: So how are they more restricted in, say, Grosse Pointe? How is it that they can find a way to say no, and we can't?

MR. BOLGER: In some instances, they just neglect to put it on the books, and they don't regulate, and don't allow. In some other instances, they say you can only go on one place, and that's behind the police station.

MR. JEFFREY: Okay, I'm through. You know, I'm -- I'm concerned that we, you know, are just allowing --

MR. SIMONS: Well, we have a declining population, increasing in cell towers.

MR. JEFFREY: Billboards. I mean, just how long will it take anything --

MR. SIMONS: Commissioner Williams?

MR. WILLIAMS: I'm going to pass, though I think if we're forced to do it, I think the alternative, as you remember, we've had several --

MR. JEFFREY: How are we forced to do it if --

MR. WILLIAMS: That's my point. If we're forced to do it, I think those are probably better places to put them than -- than, like the community is comfortable with in a certain section. But I agree with you, you know, if -- if the Pointes aren't forced to do it, then how about telling the cell towers to go see the Pointes?

MR. JEFFREY: Right, go see the Pointes. I mean, how come they say no, they fight it, and we don't?

MR. WILLIAMS: Yes.

MR. JEFFREY: They say no, and we say, well, we got to do it. How long --

MR. BOLGER: Mr. Chair? Just as a comment, it's because of the length of the Ordinance, because of the variety of provisions in here, and because we're hoping that Commissioners will find something to approve tonight, I want to say any item that needs further discussion, and the Commissioners aren't ready to see sent to City Council, those should be flagged so that we can extract those and then move ahead with the provision that say you are satisfied.

MR. JEFFREY: I agree with that.

MR. WILLIAMS: Do we flag that?

MR. JEFFREY: That one and the one that Commissioner Williams mentioned earlier, about the population versus changing the Ordinance.

MR. SIMONS: Changing the Ordinance, okay.

MS. BRUHN: Adult foster care facilities.

MR. JEFFREY: The adult foster care facility. Those are the only two so far that I have.

MR. BOLGER: Just to continue on, there is a provision in there dealing with making sure that there is adequate maneuvering room at motor vehicle filling stations, at gas stations, something that is important in terms of site plan review. We've also noticed that the Zoning Ordinance never had any provision for a photo studio, and somebody said, "I want to open up a photo studio," and the question was: how do you classify it? Periodically, you know, this

is not even a new use, that it's just something that hasn't been categorized. We've identified photo studios and also video studios as a use that's substantially similar to a recording studio, that doesn't have an assembly hall connected with it, so it's allowed in the same district where a recording studio would be allowed.

We're also clarifying that on land zoned SD4 --

MR. GLENN: They would be allowed in what area?

MR. BOLGER: The -- I believe it's B4, B5, B6, M1, M2, M3, M4; I'm not sure about B2 and B3, but I'd be glad to -- I'd be glad to check. They probably are allowed; they may be allowed on a conditional basis. On land zone SD4, which is a Special Development District in the near east riverfront, Mixed Use District, we're just making it clear then, carry-out and fast food restaurants are permitted on a by-right basis if they're included within a multi-use building, a multi-tenant building, but as a stand-alone use, they're prohibited. There was confusion in the Zoning Ordinance about whether it was by-right, prohibited, or conditional.

We're also clearing up a duplicated provision in the M3 District. We had secondhand stores listed both as a by-right use and as a conditional use. There are conditional use that we're deleting the provision that had said that they were by-right.

Also, we're clarifying how it is that the dismantling of vehicles might take place in an indoor operation as part of a used auto parts facility. We're clarifying what licenses might be needed from the Secretary of State, and we're clarifying that it would only be permitted in M4 and M5, the same zoning districts where an outdoor junkyard would be allowed.

And finally, in terms of use regulations, for specific uses, the SD2 Zoning District, Special Development District for commercial and residential, there was never a provision in it for either the maximum height for a public utility building in that district, nor was there a floor area ratio. So we're plugging in the floor area ratio of 2.25, so if there is ever a need for new telephone exchange building, or something that a public utility comes forward with, we'll know what height is permissible for that area.

There are a few provisions dealing with off-street parking as well. For a good number of years, there has been a small building exemption from off-street parking. The old ordinance was that if you had an existing building of 2,000 square feet, a new use coming in there, didn't have to provide additional parking. That amount was changed to 3,000 square feet, and it kept the language in the old Ordinance that said any use that's first permitted in B1, B2, B3, B4,

B5, B6. People pointed out to us that what that left out were many of the same public, civic and institutional uses that are compatible in many neighborhoods; so again, child care centers, museums, other kinds of -- or libraries, things such as that, they were not able to benefit from the small building parking exemption, whereas, a party store, a pawn shop, or a bar might be able to take advantage of it. So the -- if this is accepted, that's a provision that would allow a public, civic, or institutional use that moves into a small building, one that has 3,000 square feet of gross floor area or less, to enjoy the exemption from required off-street parking.

There are also some setback provisions having to do with parking lots, that are corrected. And also, we're making it possible, if someone comes in with a proposal for a parking lot, where there is a vehicle lift system, as you see in some other cities, where somebody is running a commercial lot or perhaps even a valet lot, you have a small amount of space and you want to stack cars on top of each other, that's something that would be allowed on a conditional basis as part of an alternative parking plan.

Finally, there are a few miscellaneous provisions. We're making sure that any of the accessibility standards, barrier-free standards, and handicap standards, are consistent with the Michigan Building Code. There are five or six different uses that we're going into definition for them, to clarify -- to clarify some of the provisions. For family day care homes, we're making it clear that it's the Department of Human Services for the State of Michigan, which has to certify and license those.

We're clarifying that when you have an auto-detailing kind of operation, that that would be considered to be a minor motor vehicle repair facility. We're saying that when a business is primarily in the business of selling used books or used records, this is under the John King Book Store amendment to the Zoning Ordinance, that they ought not be treated the same as any other secondhand store; basically they're saying that in the definition of what a secondhand store is, there is an exemption for premises whose primary, mainly more than 90% of their business, is the sale of used books. So that would be treated now the same as any other kind of retail store.

The definition of "animated signs" was recited in Chapter 16, signs -- it was left out of Article 16, where we have all the other definitions; we're putting it in there, the same as we have for other sign definitions.

The definition of SDM or SDD, Specially Designated Merchants establishments, Specially Designated Distributors establishments, what we think of as party stores, we're clarifying

that the 15,000 square foot threshold applies to gross floor area, not useable retail space. There is inconsistency between two parts of the Ordinance; we're reconciling those two. Finally, in the back of --

MR. WILLIAMS: Is that made for smaller party stores? There are lots of smaller party stores.

MR. BOLGER: Well, the way the Ordinance is read in the past is that once -- once a party store -- once a store that's sold beer, and wine or liquor, got bigger than 10,000 square feet of usable retail area, which would be less than the whole gross floor area, once it got above that level, then it would be considered just the same as any other retail store. The main difference is, as an SDM or an SDD, it goes through a hearing; as a regular retail store, it doesn't. This Ordinance changed that provision; instead of saying 10,000, it now says 15,000.

MR. WILLIAMS: Okay.

MR. BOLGER: So, no, we're just getting the language reconciled.

MR. WILLIAMS: Okay.

MR. BOLGER: In the back of the Ordinance, we have an Appendix that lists several hundred land use terms, and it describes what use category it would belong to. We've added nine terms to that. Those are all of the substantive provisions which are here; it's interesting to note that the Commission did receive six letters of support from various agencies in support of this Ordinance, one from Michael Cheatham (ph) of Detroit, another from Southwest Solutions, signed by Timothy Fuller (ph), the Executive Director; another from Eugene Puthey (ph) from Southwest Detroit; another from Bagley Housing, from Daniel O'Connell (ph); another from Deb Sumner at Southwest Detroit Business Association; another from a resident of Hubbard Farms, in support of the amendments proposed in this second general amendment. The -- when you arrived, there was beige sheet which was also presented to you, and these are, there are a couple of items which came up subsequent to the writing of the report that you have before you, that were brought to our attention by the Law Department, and we're asking that these two items can be walked into the process, along with the others. You'll notice on the sheet -- and I want to mention that both the Planning Commission report from October 27th, as well as this beige sheet, where there's some extra copies at the counter, on the beige sheet you'll notice there are a couple provisions where again, it's the same kind of housekeeping error. There is a typographical error in terms of the cross-reference; it should be -- it should be a reference to Section 61-9-

118 rather than 17. In one provision, the words "by-right, other use" were left out; that needs to be added in. And then on the -- on the last page, where there's the Use Table, under "Medical or dental clinics, physical therapy clinic, or massage therapy clinic," the cross-reference to the specific use standard, there was the wrong number, we're correcting that. There was also a petition before City Council, which came up today from a petitioner who was opening a day spa on land zoned SD4 in the city of Detroit, and we realized that a day spa or a place where massage therapy, as opposed to a massage parlor for an adult physical/cultural establishment, that in all other zoning districts, the Zoning Ordinance had allowed physical therapy clinics or massage therapy clinics to be able to go in wherever a medical or a dental clinic was permitted. For some reason, in 1998, when we wrote the Ordinance for SD4, that wasn't included, and so we're trying to catch that at this point. And on the second, on the back of that first sheet, you'll notice under subsection 9, under the list of uses that will be permitted by right in the SD4 District, not only medical or dental clinics, but we're also adding physical therapy clinic or massage therapy clinic as a permissible use on land zoned SD4.

That concludes my comments. And I mentioned again, because the City Code, the recodified City Code is going to be published, we're somewhat under the gun. Well, we're realizing that that new City Code will only include whatever provisions City Council has been able to take care of. We're hoping that provisions from this proposed second general amendment can be voted on by City Council before they go on recess on November 18th, and that they can all be included in the -- in the recodified City Code. And we'd ask that, to the extent that Commissioners are able to identify what they're willing to support, or what they will not be willing to support, that they consider taking a vote on this Ordinance this evening, after public testimony has been received.

MR. SIMONS: Tony, did you have --

MR. JEFFREY: I just have one more question. Is there a -- on the towers, back to that, is there -- do they buy the land or do they -- is there a fee per tower? How does that work?

MR. BOLGER: Typically, when Verizon, or Sprint, or Nextel, or T-Mobile, or Metro PCS, or any of the carriers come in, they've already struck an agreement with the private property owner that owns the land where they want to get a lease at.

MR. JEFFREY: Right.

MR. BOLGER: So they've got to lease with the private property owner.

MR. JEFFREY: I'm talking about with the parks, the land.

MR. BOLGER: Well, if it is a park, and there are a couple parks where there are already cell towers --

MR. JEFFREY: Right.

MR. BOLGER: -- such as Belle Isle and Kennedy, in that instance, they're dealing with the Recreation Department.

MR. JEFFREY: Do we have an idea of how much we're getting? Is there a flat fee; is it per square foot?

MR. BOLGER: I'm not sure. The figure \$12,000 a year sticks in my mind, but I'm not -- I'm not certain.

MR. JEFFREY: What? \$12,000 a year?

MR. BOLGER: That's what I believe may have been the case in some instances.

MR. JEFFREY: \$12,000 a year? \$12,000 a year? I hope that's wrong. I hope that's wrong. We're in a budget crisis; we're giving land on Belle Isle for \$12,000 a year to a company that's making hundreds of thousands of dollars? I hope that's wrong. I'm pretty sure it is.

MR. BOLGER: It may be. Typically, we don't see the leases when the wireless company goes through.

MR. JEFFREY: \$12,000 a year?

MR. SIMONS: Is there anything else from the Commissioners? Any other questions at this point? There's no questions? Yeah, go ahead.

MS. WENDLER: Well, I would just like to indicate that I think the Commission has asked that two of the items come off.

MR. JEFFREY: Two of them, yeah.

MS. WENDLER: And one is cell towers, and the other is adult foster care.

MR. SIMONS: After we hear from the public, then we can do that at the end. Okay, is there anyone from the City who would like to have -- anything the City department heads would like to speak on this?

MR. GLENN: Excuse me, Mr. Chair.

MR. SIMONS: Yeah.

MR. GLENN: Rory, is it possible that you could get us the right figure for that -- for the -- from the department?

MS. WENDLER: Recreation.

MR. GLENN: Recreation.

MR. BOLGER: Okay.

MR. GLENN: Whoever, whatever department.

MR. SIMONS: Okay. Mr. Davenport, go ahead.

MR. DAVENPORT: Thank you, Mr. Chairman and the Board. My name is Bob Davenport, I work for the Building and Safety Engineering Department. I do, I am the zoning and code administrator. I do the zoning hearings for the department. We've been involved for many years, five or six years, putting the Ordinance together, and other staff and myself have been involved in thinking about changes, dealing with the proposals, arguing over language, and basically putting it together, so we are supportive of the amendments. The ones that I've heard that folks have some concerns about, I would have no objection to, you know, putting those on hold or, you know, considering them at a later date, because we certainly want there to be overall support, so we are supportive. Oh, and also, I do -- I do strongly support the notion of lighting, an athletic field, as being a really appropriate location. When you think of how -- how -- how to hide cell towers, if you can, they're not very easy to hide, but if you put them -- you might even consider locating them on existing light towers, without even putting a new tower in, and that might be a revenue generator for public schools, or for the city, or whoever happens to own the field, so I think that's a great idea. Thank you, gentlemen.

MR. JEFFREY: I'm not opposed to that.

MR. DAVENPORT: Oh, I understand.

MR. JEFFREY: My concern is that if we make it that easy, they just keep coming. And if we're not charging any money, why wouldn't they come to Detroit?

MR. DAVENPORT: Right.

MR. JEFFREY: So, you know, I'm not against necessarily putting them there. I'm saying we've got to have a way of restricting and at the same time, if you're going to put them there, you know, you've got to -- it's got to be a real revenue-generating



opportunity.

MR. DAVENPORT: There was a famous Detroitter, J.P. McCarthy, whose one famous saying was, "It's not the money, it's the amount," and that's what you're talking about.

MR. JEFFREY: I like that. That sounds good.

MR. DAVENPORT: We understand that.

MR. JEFFREY: And the amount is -- if we get, if we have to put them there, that's one thing, you know, but we have to restrict the number I think at some point. And then, the ones that do actually go there, you've got to get the proper amount, in my mind.

MR. DAVENPORT: Yeah. Thank you.

MR. WILLIAMS: I also think the Commission agrees that we also need to make sure that -- that we're sharing the towers with surrounding communities.

MR. JEFFREY: With others, let's share, yes.

MR. WILLIAMS: So that there can be some determination as to -- to why we're getting more towers in our community.

MR. JEFFREY: Right.

MR. SIMONS: Does anyone else from the City have anything to say on this particular case?

MS. GLASER: Mr. Chair, I just want to know, that you probably want to see what other communities are charging and see how in line we are.

MR. DAVENPORT: We -- yes, we can check.

MR. SIMONS: Now as I call your name, please join us at the end of the table. The first one is Mrs. Nickerson will you come up front, please, at the end of the table? And Pederson, would you step up to the table, please? And I believe it's Angelina Esponi, did I get that right? Go ahead, and state your name for the secretary.

MS. NICKERSON: Mrs. Nickerson, and I represent the Russell Wood Sullivan Area Association, and the neighbors are here. We are objecting to the foster care and the adult care facility changing from the 15 -- I mean, from the 3,000 to the 15-. You Commissioners I think already know how we feel about it, so we don't want it changed. We already in our neighborhood, we're a historic district, we already have group homes, and I can give you the addresses. We

have a group home asking to change two of our homes to a group home. We don't want that to happen. We don't want East Grand Boulevard in our community. We have a very fine community that we are very proud of, and we do not want it changed, so we want the 3,000 to be kept, and we don't need to say anything more, I don't think. We are here to let you know that.

MR. SIMONS: Thank you. Thank you, Ms. Nickerson. Thank you very much. Stand up for the people who are here for Russell Woods. Thank you for coming.

MR. PEDERSON: I'm Dan Pederson with Southwest Nonprofit Housing Corporation, also a resident of the city of Detroit, and we are a developer of affordable housing in Detroit, have invested about 45 million dollars in projects, mainly historic buildings in the city that have been renovated, and we just want to express our support for the amendment. There's several things in here that will be helpful to both non-profits and for-profits to develop buildings that already exist, that need these kind of provisions, so, thank you.

MR. SIMONS: Thank you so much.

MR. GABRYS (ph): I'm Steve GABRYS, I work with Southwest Nonprofit, also. We're just here to support.

MR. SIMONS: Is Esponi here?

MR. GABRYS: I believe Angelina had to leave.

MR. SIMONS: Huh?

MR. GABRYS: She had to leave.

MR. SIMONS: Oh, okay. Okay, very good.

MR. GABRYS: Thank you for your time.

MR. SIMONS: Thank you. Okay, the next three I call, will you please join us at the table? Alison Benjamin, and Rita Ross, followed by Patricia Carter.

MS. BENJAMIN: Do you want me to jump right in?

MR. SIMONS: Is Alison here?

MS. BENJAMIN: Yes, this is she.

MR. SIMONS: Alison. How about Rita Ross?

UNIDENTIFIED SPEAKER: Rita Ross left.

MR. SIMONS: Okay. Thank you very much.

MS. BENJAMIN: My name is Alison Benjamin, I work for Southwest Detroit Environmental Vision, and I'm a member of the Citizens Advisory Committee for the Brownfield Redevelopment Authority, and I am in support of the changes of the amendment to the Zoning Ordinance, particularly because the clarity that it brings to some of the development issues contained in the Zoning Ordinance, and the way it expedites a reuse of existing buildings, either for commercial mixed use or residential mixed use throughout the city. And just based on my experience with the Brownfield Redevelopment Authority, I can say that the majority of projects that come through the BRA right now are redevelopment of existing buildings in downtown and the industrial districts around the city. And these people are already going through a great deal of expense, and time, and paperwork, to bring just great new development to the city, and they don't need any more impediments in their way, to go through another zoning issue as they reuse these buildings for some very useful and creative and tax-based issues for the city. So I am in support of the changes that bring about redevelopment and new life to the city. Thank you very much.

MR. WILLIAMS: May I ask a question?

MR. SIMONS: Sure.

MR. WILLIAMS: More specifically, what buildings, what kind of buildings are you talking about?

MS. BENJAMIN: Well, it's often older apartment buildings, hotels, some industrial buildings, warehouses in the Eastern Market district, are being redeveloped. And for uses where they were not permitted before, the amendment to the Ordinance makes it easier for the new uses to go in there. The ones outlined in the little summary you got there. Commercial or -- small commercial in a former warehouse, residential in a former warehouse, that sort of thing. Thank you.

MR. SIMONS: Thank you.

MS. CARTER: Patricia Carter with Oakland Boulevard Community Association. I'm very happy that you've decided to table the antenna thing. As you know very well, behind my home, on DPW's property, on West Davison, there's three antennas -- there's two antennas, cell towers, and a dish that the city leases land to Verizon, Farles (ph), and Nextel, and I don't know who owns the dish. Within a mile radius, we have exactly 12 antennas, radio antennas and everything else, that constantly interfere with our televisions. And, Mr. Jeffrey, I'm glad that you need them to do studies in the

suburbs, because they don't just put up antennas and put barbed fence around it in the suburbs; they make them look attractive. They don't look like the two antennas that they have on Livernois, which are very unattractive, sitting on the sidewalk in a historical area, where right across the street from U of D College.

The antennas with the public parks, I remember correctly, that this spring, one of the suburbs, and I think it was Dearborn, but I don't want to misstate, that they had antennas on their playgrounds and they were afraid that it would interfere with the children's health, so I think that's another issue that you may need to look into, that this has come up around the country. And I'm also concerned, why do we have to accept all the junk that the suburbs don't want? Antennas, billboards, gas stations, and 24-hour service stations. And this is a very sticky part with us. I'm in a historical area, and I'm glad to see that they are going to go back and revamp the map, where Mr. Davenport, when he has his hearings, would know where historical areas are and, therefore, with certain businesses that they wouldn't be trying to push on us in the historical area, that would take the historical things away.

I also suggested to Mr. Bolger that when they go and do certain things in the areas, they should check your homeowners, your subdivision papers, because basically we don't have a building or a house that's over two stories high. And when they come in and put billboards 75 and 80 feet high, and the cell tower is 110 feet high, that does not blend in with the landscape or the sky scape of the area. And I appreciate your attention on this, and thank you for your time.

MS. BRUHN: Thank you.

MR. SIMONS: Commissioner Williams.

MR. WILLIAMS: One of the things that they did in the park, they didn't deal with, was that they were going into cemetery areas, which I think they decided to use, because they assumed that they would not be close to -- as close to residents and have all of those. So we talked about the parks and things of this sort, and the concerns there, but the other concern was that they not bring any more into your area. Because I can see you from over here, and as soon as you came in, I said, oh yeah, okay, this is where I was talking about, because you've come here before to complain about it.

MS. CARTER: Right.

MR. WILLIAMS: So if we are forced to do it, then we need to look at where we do it, so it would not go into your area, but could go into some areas that are less obtrusive.

MR. JEFFREY: Right.

MR. WILLIAMS: Cemeteries I think was one of those.

MR. JEFFREY: Right.

MS. CARTER: I appreciate you remembering that I've been here before.

MR. WILLIAMS: I sure did.

MS. CARTER: Thank you.

MR. JEFFREY: You need a motion?

MR. SIMONS: No, no, no, name the ones you're making.

MR. JEFFREY: Oh, the two, the only two that I had, of course, the cell tower, and the adult foster care. I agree that we shouldn't -- we should think about other ways, rather than lowering the distance.

MR. SIMONS: Lowering the population, because I think the more foster care homes we have, the less chance we have of growing a future.

MR. JEFFREY: Yeah, so those are the only two that I would have.

MR. SIMONS: Right, that's the two that I have.

MR. WILLIAMS: And -- well, I don't know, maybe this is a separate motion. Is this a motion, you need?

MR. JEFFREY: No, he just wanted me to identify the two, the ones I had a problem with.

MR. WILLIAMS: Okay. I would say then, Mr. Chair --

MR. SIMONS: Sure, go ahead.

MR. WILLIAMS: -- that I would also move that this Commission send to the City Council a resolution, or a letter, or something asking that they pursue the idea of changing the State Ordinance so that those -- those communities over 750,000 have this 3,000.

MR. JEFFREY: I would agree with that.

MS. WENDLER: Support, if it's a motion.

MR. WILLIAMS: It was a motion.

MS. WENDLER: Support.

MR. GLENN: A resolution.

MR. SIMONS: A resolution, right.

MS. WENDLER: Oh, I thought you said a revolution.

MR. SIMONS: No, I said --

MR. JEFFREY: A resolution.

MR. SIMONS: All in favor of the motion to support, say  
aye?

ALL: Aye.

MR. SIMONS: Opposes, abstentions?

(No verbal response.)

MR. SIMONS: The motion carries. Now, Rory, you have, you  
want to make a recommendation?

MR. BOLGER: Yes. Staff would recommend that, with the  
exception of the two items mentioned by Commissioner Jeffrey dealing  
with cell towers and the adult foster care homes, that the remaining  
provisions in the proposed second general amendment to the Ordinance  
be considered for recommendation by the Planning Commission. I have  
one question of clarification, though, dealing with the cell towers,  
were, it's the Commission's pleasure to remove any of the references,  
not just parks, but also parks and cemeteries?

MR. WILLIAMS: No.

MS. WENDLER: I think we want the whole item to come on.

MR. JEFFREY: Come on, right.

MS. WENDLER: We don't want some towers to go to Council at  
all.

MR. JEFFREY: Right.

MR. WILLIAMS: We want cell towers studied more before we -

-

MR. BOLGER: Fine.

MR. JEFFREY: Right.

MR. SIMONS: Okay, but -- I'm sorry.

MR. GLENN: The lady that spoke from Russell --

MR. SIMONS: Russell Woods.

MR. GLENN: -- concerning the adult foster homes, things of that --

MR. SIMONS: We already covered that.

MR. BOLGER: That's coming out.

MR. GLENN: That's coming out?

MR. BOLGER: Yes.

MR. GLENN: All right, that's what I wanted to make sure.

MR. SIMONS: Now, then that's your recommendation. Another question on the floor?

MR. WILLIAMS: I'm not quite sure I understood your resolution -- your recommendation.

MR. BOLGER: The recommendation would be to approve the 193-page proposed second general amendment to the Zoning Ordinance, with the exception of those provisions dealing with antenna towers, cell towers, and adult foster care facilities. And also, if I could, that the items that were walked on, that were put on this sheet, that those be incorporated into the 193-page Ordinance.

MR. WILLIAMS: I'm not sure, when you said (inaudible) to City, that you didn't mean City Council, as opposed to City Planning -- I think you said City Planning Commission, so it kind of threw me.

MR. BOLGER: We're recommending --

MR. WILLIAMS: You're recommending the City Planning --

MR. BOLGER: Recommended to the City Council.

MR. WILLIAMS: Okay, so moved.

MS. GLASER: Are we at the discussion stage?

MS. WENDLER: Support.

MS. GLASER: Now we are.

MR. GLENN: I want to ask the Commissioner, maybe I'm a little bit -- but I would like for this particular one just walked on, take a look at, at least a couple days, give me a chance to really go over it, take a very good look at it before we vote.

MR. SIMONS: Well, most of this stuff is X'd out anyway, right?

MR. JEFFREY: Right.

MR. BOLGER: On the -- on the second provision, the one at the bottom of this first page, the reason that everything is crossed out is that that's a provision that's already being amended as part of this 193-page Ordinance. It just so happens that the petition that City Council asked us to -- to consider, having to do with massage therapy clinics and SD4, also is in this same provision, so that everything that's in here, that's already crossed out, is part of what you're finding to be acceptable. What we're suggesting is that in subsection 9 where, you know, we've got it crossed it out, it says, "Private club, lodge, or similar use," we're reciting medical or dental clinic, but adding on to that physical therapy clinic or massage therapy clinic. That would be the only change that would come into play there, that isn't already part of the proposed Ordinance.

MR. GLENN: Number 12, I'm just looking at this.

MR. BOLGER: "Private club, lounge, or similar use"?

MR. GLENN: Yeah.

MR. BOLGER: Right, that's -- that's a provision which is already -- that's already on the books. The reason that all of these, some of these strike outs on this page, ties back into that other provision where we said we found out that part of the SD4 Zoning District fell within the -- within the Central Business District, so what we've done is we've taken this list, which is where the land uses are in alphabetical order, and we put in three additional land uses: bars, hotels, and motels -- or bars, cabarets, and hotels. And because we added three items to a list of 19 items, and that we insert them in proper alphabetical order, what it's done is kind of triggered a scroll down so that we now have 22 items that are listed here. And, you know, what had been subsection 8 is now, you know, appears later, is now a subsection 11. So I'm sorry that it's kind of a confusing layout, but it's just kind of the format that has to be done.

MR. GLENN: It is very confusing, that's the reason why.



MR. BOLGER: Yeah.

MR. GLENN: I understand. I would like to see this Table.

MR. WILLIAMS: I think he said there's a friendly amendment excluding --

MR. GLENN: Pardon?

MR. WILLIAMS: -- excluding this.

MR. SIMONS: Go ahead.

MS. GLASER: Thank you, Mr. Chair. Mr. Bolger, I just wanted to point out that Section 61 in this amendment is referring to antennas. You need to cross that, if we have to vote for it, so it doesn't slip through in another way. See that, number one?

MR. BOLGER: Yes. No, we wouldn't want that.

MS. GLASER: Okay.

MR. BOLGER: No, that this is -- this is accurate, the way that it is. If we deleted --

MS. GLASER: Okay.

MR. BOLGER: This provision here refers back to everything from the -- you know, the little antenna that you have to get Channel 2, 4, 7 and 9 on your roof, to your satellite dish, to a whole range of antennas, to somebody who may have, you know, a two-way antenna, a hand radio, in addition to cell towers.

MS. GLASER: Okay. I guess that's my -- if we're holding the whole thing, shouldn't we incorporate that into what we're studying, or are you saying --

MR. BOLGER: A whole antenna ordinance will come back to the Commission, at which point everything is up for grabs. But I think until that time, we don't want to disturb provisions that have been on the Ordinance.

MS. GLASER: Okay, I've got you.

MS. BRUHN: Can I --

MR. SIMONS: Go ahead.

MS. BRUHN: Rory, on this issue.

MR. BOLGER: Yes.

MS. BRUHN: At the bottom, for division 12 --

MR. BOLGER: Yes.

MS. BRUHN: -- for the SD4 District, is the only change in Section 61-11-222, which is at the bottom of the page and on the next page, is the only change the addition of the language to medical and dental clinic?

MR. BOLGER: No, there -- there is that change to medical and dental clinic.

MS. BRUHN: You said there were three additions?

MR. BOLGER: Correct.

MS. BRUHN: There are three additions.

MR. BOLGER: Right.

MS. BRUHN: So maybe just point out the three, because I know -- so one is to expand the definition of medical or dental clinic, and the City Council has asked us to do.

MR. BOLGER: Right. And that appears as subsection 9, and it's on the back.

MS. BRUHN: Right.

MR. BOLGER: It's on the back of the sheet. On the front of the sheet, if you look at subsection 5, that's where we inserted cabaret inside the Central Business District, so that's the new one that's put in there, so if someone wants to open a night club, and this is consistent with what the other zoning districts that are inside the Central Business District had. It's inside the CBD, it's by right; if it's outside the CBD, it's on a conditional basis. So, section 5 is new, that's why sections 1 -- subsections 1, 2, 3 and 4, they're not stricken. The next one is subsection 7, and that's where you see, that's bars, establishment for the sale of beer or intoxicating liquor for consumption on the premises inside the Central Business District. And then subsection 8, hotel inside the Central Business District. So those are the three land uses that we're suggesting, you know, be put into the Ordinance, because, you know, we should have put them in, back when the Ordinance was originally drafted. And then the fourth thing that we would be a change was subsection 9, where already we've got medical or dental, we're saying make it the same as all the other districts, and also allow physical therapy clinics or massage therapy clinics. So those

would be the four things that are different about this use list for SD4.

MR. WILLIAMS: Mr. Chair?

MR. SIMONS: Go ahead.

MR. WILLIAMS: Mr. Chair, if Mr. Glenn and you spend more time on the zoning portions of any of this, and if Mr. Glenn is not comfortable with this section, I would, as I said earlier, accept a friendly amendment saying exclude this until we come back later.

MR. SIMONS: Is that okay?

MR. WILLIAMS: Now if he is comfortable with it, fine. If not --

MR. GLENN: I understand the one now --

MR. SIMONS: Are you comfortable with it?

MR. GLENN: Yeah, you can leave it.

MR. SIMONS: Okay. Now, then, should we have a motion?

MS. WENDLER: We had a motion.

MR. SIMONS: We had a motion. Get a second?

MR. JEFFREY: Have a second.

MR. SIMONS: Okay. All in favor of the motion to support, say aye?

ALL: Aye.

MR. SIMONS: Opposed, abstentions?

(No verbal response.)

MR. SIMONS: The motion carries. Thank you, Mr. Bolger.

MR. BOLGER: Thank you, Commissioners.

MR. SIMONS: Okay. Now, a couple minutes.

MS. BRUHN: You want Catherine to do the Master Plan?

MS. UNDERWOOD: Sure.

MS. BRUHN: Would that be acceptable, Mr. Chairman?

MR. SIMONS: Sure. Is that okay, Marcell, if we go right to that?

MS. BRUHN: If we just go to "Old Business, Item III."

MR. SIMONS: Now we're ready for, which one are we ready for?

MS. BRUHN: This is Item -- oh, no, you know what, this is numbered incorrectly. It should be Item -- we're on "IV, Old Business." It says "III," but it should be "IV."

MR. SIMONS: What's the title?

MS. UNDERWOOD: Master Plan.

MR. SIMONS: Policy schedule?

MS. UNDERWOOD: Yes.

MR. SIMONS: Okay, we'll go with that.

MS. UNDERWOOD: Okay. In your table packet --

MR. SIMONS: State your name for the --

MS. UNDERWOOD: Oh, I'm sorry. Kathryn Underwood, City Planning Commission staff.

MR. SIMONS: Okay, Catherine.

MS. UNDERWOOD: Good evening, Commissioners.

ALL: Good evening.

MS. UNDERWOOD: In your table packet, you have a copy of a letter that says "Dear Community Leader" with an attached Executive Summary abbreviated. This is what we are sending out, have begun to send out to the public, with regard to the Master Plan public meeting. We're having a city-wide mailing of approximately 2,000. I think when this was last before you, we had the dates, but we did not have all of the locations secured. So this letter states the dates for each of the cluster public meetings with the location. There's a map on the back so that people can identify what cluster they're in.

MR. SIMONS: Now was that letter in a table packet or another thing? I don't think I have it.

MS. UNDERWOOD: In the table packet.

MR. SIMONS: I'm not sure I have it.

MS. BRUHN: Yes, I gave you one.

MR. WILLIAMS: It's the last two pieces of information in the packet.

MS. UNDERWOOD: So on the back of that letter is a map so that persons can identify what cluster they live in, and the Executive Summary kind of gives an overview of how the revised Master Plan came to be, as well as having a summary of the city-wide goals; some brief information summarizing what the conditions are, the land use conditions, and development, and trends in each of the clusters, as well as the policies for each of the clusters. And we wanted to send that out because we didn't want people to necessarily come to the meetings cold, not knowing anything about what the Master Plan was, and what was in it. So that's --

MS. WENDLER: Do you need a motion?

MR. SIMONS: Go ahead.

MS. BRUHN: No, what we need is to find out what Master Plan meetings.

MR. JEFFREY: We were supposed to participate in one of them, I think.

MS. BRUHN: Yes, at least one. We do -- we should try to get the first -- let's see, we're going to meet again on the 17th, so we should try to at least get the first couple covered.

MR. JEFFREY: What's the 29th?

MS. UNDERWOOD: A Tuesday.

MR. JEFFREY: I can do the 29th.

MS. WENDLER: I can do the 15th.

MS. GLASER: I don't recall which one I gave you last time, but I have a question, Mr. Chair.

MR. SIMONS: Yeah, go ahead, Susan.

MS. GLASER: Thank you. Ms. Underwood, hi. On the back, on the map, is this done already; is this what -- have you already printed them? Are they ready to go?

MS. UNDERWOOD: Yes.

MS. GLASER: Oh, never mind, I'll hold my thought. Thank you, Mr. Chair.

MR. SIMONS: You have one, two, the first two covered; 15th and the 21st?

MS. BRUHN: Well, we just have Commissioner Wendler for the 15th.

MR. SIMONS: Okay, I'm sorry, I can't make either one of those, but I'll pick another one.

MS. BRUHN: We're going to have a number of staff people there.

MS. UNDERWOOD: Yes.

MS. BRUHN: So I think it's good to have at least one Commissioner.

MR. WILLIAMS: Cluster 5 is?

MS. BRUHN: It's south of Michigan, west of Livernois, I think.

MR. JEFFREY: What's that?

MS. BRUHN: Rademacher. South of Ford Street.

MS. WENDLER: South of Ford, west of Livernois, is that correct?

MS. BRUHN: Correct, it's between Jefferson and Ford Street, west of Livernois.

MS. GLASER: I'm going to take December 8th, Ms. Bruhn. That's what I told you last time, December 8th. I've already got it in my calendar, so --

MR. WILLIAMS: I'll do the 21st.

MR. SIMONS: I think 29th is going to work for me. Wait a minute, will the 29th work? Go ahead.

MS. BRUHN: Not the 29th. No, the 28th.

MR. SIMONS: Okay.

MS. BRUHN: You want to go in on the 29th?

MR. SIMONS: I'll put the 29th down.

MS. UNDERWOOD: Actually, we can have two Commissioners on the 9th because, except for Clusters 3, Cluster 5, we will have two cluster meetings, separate meetings on the other night, so they'll be taking place in different rooms in the same facility.

MR. SIMONS: What will happen, Cathy, on the meeting on the 1st of December, I'll be able to pinpoint the number.

MS. BRUHN: Okay, at least we're covered for November.

MR. JEFFREY: Who has got 15th?

MS. BRUHN: Pardon me?

MR. JEFFREY: Who has got the 15th?

MS. UNDERWOOD: Commissioner Wendler. Okay.

MR. SIMONS: Anything else?

MS. UNDERWOOD: That's it.

MR. SIMONS: Thank you.

MS. UNDERWOOD: All right, thank you.

MR. SIMONS: Are we ready, Mr. Marcell? Are you ready now? Now we're ready for the 5:30 public discussion; that's the request of Morgan Development to purchase City-owned property on Lenox (Grayhaven Mainland) in the Jefferson-Chalmers Project area, and for PD (Planned Development District) and plan approved for new single-family housing, and our presenter will be Mr. Marcell Todd.

MR. TODD: Thank you, Mr. Chair. Good evening, Commissioners.

MR. SIMONS: Good evening.

MR. TODD: Good evening, again. Marcel Todd, City Planning Commission staff. Returning before the Commission this evening is the Grayhaven/Lenox site which is located in the Jefferson-Chalmers community, east side of the city. Subject property is zoned PD, is coming before you this evening for modification. The property, again, is located in the Jefferson-Chalmers community on the west side of Lenox. It's shown here on the Land Use and Zoning Map, it's shaded in the gray area. The parcel is approximately 17.5 acres in size. It is surrounded by PD zone land across the Starboard Canal to the west. To the north, you have more PD zone land, as well as R2

land. Correcting the zoning report, or the report of zoning in the staff memo that you received, the zoning to the east is R2 and R1, not simply R1. We have single-family residential comprising the land use in that area.

We have, also going back to the north, north of the property we have the Fisher Mansion, which of course was the counterpart to the other Fisher Mansion, which actually stood at the southern end of the subject property. Of course, this is a parcel that has been before the Commission on many an occasion prior to this one. Its history is long. The Grayhaven/Lenox site was previously part of a proposal for the redevelopment of this entire area, which of course gave us the Grayhaven/Lenox Development that sits on the northern third of Grayhaven island, as well as the mainland portion of Grayhaven. There we have a multi-family development in the form of three low-rise apartment buildings on mainland, and town homes on the northern portion of the island. Subsequent to that, the same developer then came forward and developed the remainder of the island. The construction of the single-family residential homes that were approved for this portion is still underway. The vast majority of that project has been complete, but again, there are still single-family homes under construction.

The mainland portion, our subject property for this evening, has been part of various development proposals that have been before you. In fact, the most recent proposal that was approved for this site back in 1993 is in fact the very same proposal that is coming before you this evening; however, to provide you just with a little bit of background, that proposal, while approved by both the Planning Commission and the City Council, was the subject of legal action between the City, that developer, and the previous developer, thus resulting in the voiding of that development proposal at that time. The parcels -- parcel basically remained vacant, void of any activity up through 1998, when the previous developer's rights for development of this land needed to be extinguished; the City did not actively pursue development, redevelopment of the site until a few years later, resulting in an RFP, which brought in a developer, Gran Saqua (ph), which was -- made two attempts to come before this body this summer before that development entity ultimately withdrew from seeking to develop the site. As a result, the Planning Development Department issued another RFP; resulting from that process was the selection of Morgan Development, again the party which was most recent, or the last approved development for the site, and that was under a different partnership, but still basically the same primary party, Mr. Morgan himself.

The proposal is before you, is for the development of the 17.5 acre site into 18 luxury single-family homes. The homes would begin at roughly 4,000 square feet and range upward from there, also



beginning in price at \$400,000 a piece. As you can see from the site plan, the intent of the developer is to maximize frontage for these homes, retain some of the existing configuration of the site, which would include the boat wells that exist here at the southern tip of the parcel, near to the mouth of the canal into the Detroit River. The homes themselves would come from the selection, if you will, of the Schultz (ph) Design Group; this is a group that developed (inaudible) on several other occasions; there are quite a number of homes that would be selected from. There are just a couple of examples here for the Commission to see, in addition to that what you received in your packet. Again, there are a number of homes that are available from this selection.

In addition to working with this particular designer, the developer is also willing to allow for purchasers to come in and purchase their own lot, purchase the lot and bring in their own architect, and work within the parameters that are defined by the development.

As far as this proposal is concerned, it is consistent with both the Master Plan, and the Jefferson-Chalmers modified Development Plan. There are -- if I may, sorry, Mr. Chair --

MR. SIMONS: That's okay.

MR. TODD: I'm sorry. We have a number of boards in our presentation, and it's consistent with the Master Plan and Development Plan; however, there are a few issues that the developer has been presented with, both by City staff, CPC, and P&DD, and the community, that we've asked them to work with, some of the same issues have been presented to previous developer.

The drawing here, the last board shows a rough cross-section, if you will, running through the island. The canal being located here, that being, again, the Starboard Lagoon, and Lenox Street being at the opposite end here. This section just gives you a very rough idea of how the site could be developed. It would include a buffer area along Lenox Street running the entire length, which is what you see here in the site plan. That would then be separated from the homes themselves by an internal private road, including lighting. And then the landscaping that would comprise the front yards along with the approached driveways, access ways; the homes itself, and its rear yard, with that provision for dockage of boats along the canal.

Of the issues that have been previously presented to the developer, they are as follows -- and these issues are also spelled out for the Commission in a letter from the Jefferson-Chalmers CDC. On October 5th, presentation was made to the CDC resulting in that

letter. Mr. Sam Smith, the chair of CDC is here and can speak to it in greater detail, should the Commission desire.

But the issues themselves are as follows: The CDC gave a conditional approval, with the stipulation that the developer return before the community for a community-wide presentation of this project, and that the developer in the meantime address the greenway path, which I outlined for you earlier. In that, the community has been working on the development of the greenway path that would connect the Jefferson-Chalmers community to a greenway path that is being -- that has been envisioned running up along Conner, up north, through the east side of the city. And that the buffer be designed in such a way that it could accommodate that green-way path to provide biking and pedestrian traffic along the east side, the west side of Lenox. They have also asked for additional information on the building elevations. Again, the developer is attempting to show some more of the models that would be potentially for the site in the two examples that have been added to the presentation this evening. They have also raised questions about the water and wildlife on the site. The subject parcel itself is a heavily wooded lot. Again, it has gone undeveloped for a number of years, and been vacant, and has a lot of wild foili -- growth on it now, along with, as some members of the community have pointed out, some actual quality specimens, tree specimens, which they believe should be preserved. The developer has indicated that they will perform a tree survey and identify that which is worthy of being saved, and working that into the site plan that has been proposed. This remains, however, an issue of contention.

There is also a question about the wildlife itself, as the number of letters that was attached to our report from the Friends of the Fisher Mansion, pointed out the presence of peregrine falcon on the site, as well as other wildlife. So there is a question as to how the developer would intend to -- intends to address those elements.

One other component of the project itself is that this is proposed as a gated community. The other development in the area, Grayhaven itself, Grayhaven, the mainland portion, as well as the island, this is a gated community itself, and the fencing does appear and manifest itself along the west side of Lenox, near the entry of Grayhaven. The Fisher Mansion property, which is between the subject property, Grayhaven, the first phase of Grayhaven Development, also presents to you a wall and a gated presence. The developer, having heard the concern of both City and -- City staff and community, is willing to move the gate, or the fencing, if you will, back within that bermed area, in order to disguise it and not have the entire presence or feel of gated community represent itself on the street side, but screen the gate with that buffer zone, or screen the fence

with the buffer zone. At the entry, however, there is still the desire to have a gate and possibly a gatehouse. Entrance is gained to the site across, or at the T-intersection of Korte and Lenox. The proposal is that there would be, or could be a gatehouse, but that the gate itself would possibly, actually remain open for a great portion of the time. These are some of the details that are still being negotiated, but again, this is one of the issues, we informed the developer that this is certainly also, that this is a concern both with the Commission, as well as the City Council, when it comes to gated communities, so it is something else that does need to be further addressed. The developer maintains that with a development of the size, scale, and nature, given the value of the homes, the purchase price of homes, that this is the sort of thing that is warranted in this type of a luxury community.

And the last item raised by the community concerns repair to Lenox and I guess the other surroundings in the area following completion of this development proposal. The developer has certainly indicated that they will be responsible for repair and replacement of those street curb, or any of the features, furnishings within the street that are compromised in any way as a result of the development.

As I mentioned before, you received letters from the Jefferson-Chalmers Citizens District Council, as well as Friends of the Fisher Mansion, and they're all here, prepared to provide you with their feedback on this proposal. You also have, as indicated, representatives of the Planning and Development Department, the developer as well. And with that, that completes staff's preliminary presentation on the property.

MR. SIMONS: Okay. Now first of all, I think we will hear from the Planning and Development, if we may, if the department heads that want to come up and speak on the subject. Good evening.

MR. NYECHE: Good evening, Commissioners. My name is Chidi Nyeche, the --

MR. SIMONS: Speak it loud, so she can hear you.

MR. NYECHE: Okay. My name is Chidi Nyeche, the Planning and Development Division. As Mr. Todd stated in his presentation, this is second round of RFP for this particular area, and we are very delighted to receive a proposal of this nature. As you can see, it's one of the driving force of the Development Division and the City tax base that we've been yearning for, for a long time now. The first one, for the homes, if I may correct Mr. Todd a little bit, it's running between \$750,000 to about a million and a half, so it is a huge tax base attraction that we are looking for. And each property

may be sitting around, within an acre -- acre space area, so it's just enough room for anyone to spend that amount of money.

The Development Division specifically picked the RFP -- back up. When the Gran Saqua (ph) bowed out of the project around June 30th, this year, we aggressively pursued another RFP, and with the help of different City departments, were able to come up with this project as our final winner of the RFP. As you can see, this project lists the Master Plan for the area, is consistent with the Development Plan for the area. It has also an NEZ from the Jefferson-Chalmers area, and the plan is kind of aggressive in nature, which is to say it indicates that it develop plans to complete the project within the next three years. And we are also more concerned with what DEA, the environmental effects, survival and (undecipherable) of the area, to reviewing all the related environmental wall that appears to be present in the area. On Phase 1, on Phase 2 of the environmental, were already done by the Gran Saqua team, which developer do not have that information, and is working diligently to do their own private review.

The department strongly support this project, and we're hoping that we can get an approval on this particular project. Our timing is very short, given the City Council recess coming very soon.

We were able also to meet with the CPC, Mr. Sam Thomas is here today, will also acknowledge that the City is making every effort with the CPC staff to present, to even address all the issues and concerns. I think they are glad with the project, they are glad with the spacing, and but any other issue of modality we can work out pretty good, but we strongly support the project and request that you acknowledge our presence here today. And here, this is my staff, Ed Lowe, the project manager, also that can give you some particulars on the issue.

MR. SIMONS: Okay, Mr. Lowe.

MR. LOWE: Good evening, Commissioners. I think Mr. Nyeche pretty much covered it all, but just specifically, as it relates to the Development Plan, I think as mentioned earlier by Mr. Todd, the nature of the project, these 18 homes, as it relates to the land use plan for the area, it meets within those specified acreage, since the Development Plan calls for up to 12 dwelling units per acre within this certain PD classification, so it does meet the -- meets the requirement.

MR. WILLIAMS: Excuse me. I'm confused, because I thought Mr. Nyeche said that each house sat on an acre. Did I get that wrong?

MR. NYECHE: We're looking at the coverage.

MR. LOWE: That's the lot coverage.

MR. NYECHE: Lot coverage per unit, but if -- if that is mistaken, Mr. Jerome Morgan can correct us on that. But the size of each home is large enough to accommodate, you know, that amount of property. At the (undecipherable) we were having a big concern because of development which was proposing to do one unit within 45-foot lot space, but this here gives you huge number of space, but we can provide that information, at least to get actual lot coverage per unit.

MR. SIMONS: Okay.

MS. BRUHN: Is the developer here?

MR. NYECHE: Yeah, the developer is here.

MR. TODD: Mr. Chair?

MR. SIMONS: Yeah, sure.

MR. TODD: It essentially, what it would average out to is just under one unit per acre -- 17.5 acres, 18 units.

MR. SIMONS: Under one unit -- one unit for just on the one acre, and the footage from the front is how much?

MR. TODD: It actually varies. It varies as much from 10 feet, in the case of the units that are smaller and a little bit tighter, gather around the canal here, you've got something I believe on the area of 15 or 20 feet, ranging all the way up to 100 and, I believe, 40 feet or so in terms of setback. Some of them have large front yards, and others give them the type of home or the setting, have smaller.

MR. SIMONS: 140 feet. Perhaps we can have the developer come up; can we do that, please? Good evening. State your name clearly for the hearing.

MR. MORGAN: Jerome Morgan.

MR. SIMONS: Jerome Morgan, okay.

MR. SNOWALK (ph): Dennis Snowalk, I work for Morgan Development.

MR. SIMONS: Very good. You want to explain comments about building?

MR. MORGAN: At present the lots, we have them designed,

they are approximately one acre per dwelling, per family dwelling. The area is about 120-foot lot by 300 to the street, the depth of the lot. So as you can look at the lots, we have them pretty well equally divided, up to existing canal, and we left all the canal as they exist, stay within the complex, as originally was designed, and we designed our homes around those canals, and provide boat well for each well -- each dwelling, they would have their own private boat well, as included, as you see up in number 11 and 12, which is homes that up at the point of the canal we have established method in ways that those boats can have their own private well still right at their home, as well as the other canal.

MR. SIMONS: All the homes have boat slips, is that correct?

MR. MORGAN: Yes, accessible through their own private boat slips.

MR. SIMONS: Any questions?

MR. JEFFREY: Yeah, I have a question. Do you know what the tax would be after the -- with the NEZ; do you have an idea?

MR. MORGAN: No, I don't.

MR. JEFFREY: Okay.

MR. WILLIAMS: In terms of the savings?

MR. JEFFREY: No, no, no, what they would actually be paying. Even with the NEZ, there's going to be, you know, taxes paid, even though they're NEZ, they'll still be a significant amount of taxes being paid. And the reason I'm asking that, I mean there is a push, so I would -- I would be in favor, just off the bat, and I'll hear from the community, I would be in favor of moving forward, because I think this whole NEZ issue is becoming, is getting -- may become convoluted or tied up. And to me, I don't -- I don't understand the argument, because anybody that can afford to buy this kind of home, which we do need in the city of Detroit, is going to be paying probably a significant amount of taxes, even with the NEZ. Secondly -- I beg your pardon?

MR. WILLIAMS: Property taxes?

MR. JEFFREY: Yes. The NEZ don't eliminate the property taxes, it just lowers it. And the person who is going to be buying this type of home, it is probably somebody who is not going to be -- he's going to be -- they're going to be living in the city, they're going to be paying property taxes in the city, and they're probably

going to have the kind of job that's going to, you know, bring the kind of revenues that we need in the city. So, I mean, you know, I would be in favor, if there's not any real significant -- and I don't -- I'd be in favor, if there is not any significant issues, of us moving this forward quickly, because the NEZ issue is going to become -- may become -- may become a problem. So I'm just trying to find out, even after the NEZ, what the taxes would be. I still believe, on a house of that size and that amount, it's going to be significant.

MR. SIMONS: Does anyone know?

MR. NYECHE: Yes. We can provide you that information through the Assessor's Office.

MR. JEFFREY: I was just curious.

MR. NYECHE: We'll research that tomorrow, and we'll provide you with that additional information.

MS. BRUHN: I think, maybe on a \$400,000 house, it might be \$12,000 a year, and with the abatement it would be closer to 6-.

MR. JEFFREY: 6-, you think that's probably what it would be?

MR. TODD: No, she said on a -- no, she said on a house that's --

MS. BRUHN: On a \$400,000 house.

MR. JEFFREY: Oh, on a \$400,000. Okay, and these are 7- to 1.5.

MS. BRUHN: Yeah, I'm just thinking, I know people who have \$200,000 houses, they're assessed at that, and they're paying around \$6,000 --

MR. JEFFREY: Okay.

MS. BRUHN: -- without any abatement.

MR. JEFFREY: Okay. I was just --

MR. SIMONS: Okay. Go ahead, Susan.

MS. GLASER: Mr. Chair, thank you. Just before we proceed, I notice that you're working with the CDC. I just want to know if there were representatives from the Friends of the Fisher Mansion on that committee, or involved with that group.

MR. SIMONS: Yeah, we have some. Go ahead.

MR. WILLIAMS: What other developments have you done?

MR. MORGAN: I did home development on Jefferson and (inaudible), the Lodge, just down by the Manoogian Mansion.

MR. WILLIAMS: The new homes on, like three or four --

MR. MORGAN: Now there's 10 in that area.

MR. WILLIAMS: Okay. That's it? That's the only one in Detroit, or that's the only one you got?

MR. MORGAN: On the residential development. I've done projects for numerous, a number of family development throughout the city for quite some time.

MR. WILLIAMS: I'm trying -- I'm trying to figure out where those were.

MR. MORGAN: Pardon me?

MR. WILLIAMS: Like, give me the name of one of them.

MS. BRUHN: It was Berry Subdivision, right?

MR. MORGAN: Berry Subdivision; Virginia Park Subdivision, I was part developer for that as well.

MR. SIMONS: Go ahead.

MR. GLENN: I want to ask Mr. Todd a question, when he was speaking -- did you say that it was approximately a 10-year project?

MR. TODD: No, the developer actually anticipates, depending upon the market, it would be just in three years.

MR. SIMONS: Three years?

MR. GLENN: Three years?

MR. TODD: Yes. What I was referring to was what was transpiring with the previous development on the island portion of the project -- project area.

MR. SIMONS: Okay. If there are no questions --

MR. WILLIAMS: I do. You said it depends on who you sell to, or are you doing this, are you building houses and then selling



them, or are you building them to the person who purchases it?

MR. MORGAN: No, we have a plan that where we will build anywhere from four to five home starts, and we have a variety of buyers that will look at our floor plan, modify them and buy what they need, work right on an area on which we are going to construct first.

MR. WILLIAMS: So which entities are you --

MR. MORGAN: We're going to start with the one adjacent to the Fisher Mansion and work out to the River.

MR. SIMONS: Okay.

MR. WILLIAMS: Thank you.

MR. SIMONS: Thank you very much. Next we'll have Mr. Sam Smith, from CDC; will you come up, please? Good evening, sir.

MR. SMITH: Good evening, Council -- Commission.

MR. SIMONS: Yes, speak up. Speak up right into the mike, please, and state your name clearly for the clerk.

MR. SMITH: My name is Sam Smith. I'm chairperson of the Citizens District Council. And, you have in your possession the letter that was sent after the meeting, after our monthly meeting, and at that meeting there was a presentation made by the Morgan Development Group. And from that particular meeting, and with persons on Lenox, and from the group that you have the letter from, there were several questions -- in fact, there were a lot of questions, and what we did was try to outline or state those questions that the community had relative to this development, and these are the concerns that we wanted to have resolved by the developer, and when he comes to a community meeting. We're not at a community meeting because we have not heard from the developer since this particular letter. But these are the concerns that were voiced at that particular meeting.

MR. SIMONS: The concerns were the same as what you expressed on the letter to us?

MR. SMITH: Yes.

MR. SIMONS: Okay. You have not heard from them since that meeting?

MR. SMITH: No.

MR. SIMONS: Anything else you would like to add?

MR. SMITH: No, that's -- that's basically it.

MR. SIMONS: Go ahead.

MR. WILLIAMS: How large is your -- what area does your CDC spread; how large is your CDC?

MR. SMITH: We cover from, the community from Clairpointe to Alter Road. I think it's about 730 acres, I think so, and from Jefferson to the River. And that this particular development is on the far west side of the community.

MR. SIMONS: Okay. Susan, go ahead.

MS. GLASER: Just so I'm clear, you want them to come back out to the CDC and talk to the community?

MR. SMITH: Yes.

MS. GLASER: Okay.

MR. SMITH: Our -- our procedure, really they came to the CDC and made that presentation, and we informed them at that time that before a vote, a final vote by the CDC, we wanted to have a community meeting, because normally the community needs to see and hear the proposal and then provide, you know, the Council, so we have a feeling of what's going on, of how they feel.

MS. GLASER: Thank you.

MR. SIMONS: Thank you so much.

MR. SMITH: Thank you very much.

MR. SIMONS: Now we have some people from the public who would like to speak. As I call your name, will you please come to the table? Steven Flick, followed by Cathy Richardson, and followed by Jim Stone.

MR. FLICK: Good evening, respected Commissioners.

MR. SIMONS: Good evening.

MR. FLICK: Friends from the neighborhood.

MR. SIMONS: Will you state your name for the Record?

MR. FLICK: Steven Flick, on behalf of the Friends of the Fisher Mansion, which include Alfred Ford, the great -- the grandson of Henry Ford and Elizabeth Reuther, the daughter of Walter Reuther, who purchased the Fisher Mansion, on behalf of the Board of Directors of ISKON, I would like to say that we oppose this development. We own enough land to veto this development. We intend to do so. We will want to advise the developers that they might as well stop, saving their money and their time and direct it someplace else. And to the community, that we should now create, at least start thinking about how to develop a recreational area, that is much needed in our area. If you have another gated community -- I live on Riverside Drive, just one street over from Lenox -- if you have another gated community, you create this idea of, on one side you have a gated community, and on the next side you have the ghetto, and that is basically what is going to happen more and more. And just at this time, we are actually experiencing a rebirth and a rededication of our area; we feel a great inspiration that you feel going through the neighborhood, where people are taking care of their homes, they are taking care of their streets, of their lawns, and I would like to see that kind of sentiment nourished in the interest of the community, in the interest of the children who live in that community, who need that type of space. And I would therefore invite the sympathy of the Planning Commission, to look favorably at the creation of a recreational, natural retreat. Thank you very much.

MR. SIMONS: You would like to see a recreation retreat on this -- on this --

MR. FLICK: Well, like a park. You know, a park that shows the different -- where children can -- that is, A, integrated into the greenway; B, a safe place for people to see some -- we have no forest, there is a forest there, and to experience the wildlife that is there, and to have a little bit of access to the River at that place, yes.

MR. JEFFREY: Now minus the gate, would you still be in opposition?

MR. FLICK: I be in opposition wholesale to this development.

MR. JEFFREY: Okay. Okay, now you -- my understanding is that the Development Plan calls for residential in that area, right?

MS. BRUHN: Yes.

MR. JEFFREY: Am I right, Mr. Todd?

MR. TODD: Yes. Mr. Chair, the property has been called a

Residential Development since, I believe, the '60s, since the plan --

MR. JEFFREY: Since the plan. And you have those parks right there; those big green spots right there?

MR. TODD: Yes. Maheras/Gentry Park furthest to the west, Alfred Wright Ford immediately at the foot, access at the foot of Lenox, adjacent to the subject property, Angel, and then Mariners Park.

MR. JEFFREY: So what -- what the developer is asking, is something that's already been planned; they're not asking to do anything that hasn't already been planned and, you know, we would love to have woods everywhere, but we have parks, and community folk to save those parks, and they save them, but to think that we don't need also development of this type is not being realistic. I'm saying minus the gates, which I understood there is a problem with the gates to some extent, what you would have is a mixed income entity, where you have people on the high end living in the same area, same proximity to people of a different income category. The second thing you would have is people coming into the city who bring revenue, taxes, possibly businesses. And so I understand the wood concept, but this was not planned to be woods, this was planned to be residential. I'm not -- I'm not -- I understand you have a right to your opinion, but I was just wondering, without the gates, would you still oppose it?

MR. FLICK: May I respond?

MR. JEFFREY: And you're saying yes?

MR. SIMONS: We're not going into any dialogue there about --

MR. JEFFREY: I have their letter. I was just making a comment.

MR. SIMONS: We appreciate your comments.

MR. FLICK: Thank you very much.

MR. SIMONS: And I think Susan had a question; do you have a question?

MS. GLASER: Well, I guess I have a lot of questions. I've read the letter that you all sent, and I think that some of the issues need to be addressed, like --

MR. JEFFREY: I don't doubt that.

MS. GLASER: Okay.

MR. JEFFREY: I don't doubt that.

MS. GLASER: But I hear that -- you know, you can hear that, since 1960, you got Lakewood Park, I'm familiar with the area, I lived there, for years I lived there, so I know that you have parks to go to, and I understand you're trying to save some -- another area for our children, really that's to my heart. But what the Commissioner said it true; we need taxes in this city, we need a base, we need people here that can pay. And I guess what I'm looking for is why would you think, when we have that whole area as park across the waterfront? Help me understand.

live in the area, so I should be reasonably realistic about the general psychological makeup of the area, and the potential that the area has. I represent the sentiment of the community in the area. I do believe that the preservation of those properties would be a real benefit of a holistic community, of a community where growing up is an experience that delivers good tax-paying citizens, since that is a concern of yours. So I hope that we will succeed, obviously. And there are certain rules written that would allow us to veto this, and as I have stated, we will veto this. They can fight us; I don't think they will succeed.

MR. JEFFREY: What's the veto? I'm sorry.

MR. SIMONS: Okay. I'm sorry, we're going to move on now. Have another question over here.

MR. WILLIAMS: Yes, I don't understand -- it's a question he asked, but I don't understand how, when you made your presentation, you said you own enough land to veto the development. What does that mean?

MR. FLICK: A certain percentage of land that you have to own to have an impact, a decisive impact on development, and should we have to, then we'll present exact -- actually, the person that you should really press in detail would be Susan, who is much -- much more --

MR. SIMONS: Okay. Thank you for your comment.

MR. FLICK: Thank you very much for your time. We'll meet again.

MR. SIMONS: Okay, go ahead, ask your question. We must move on. Go ahead, Commissioner.

MR. WILLIAMS: What do you mean by, you have enough land to

veto the development?

MR. FLICK: There is a City Ordinance that says if you have -- how much?

MS. BRUHN: 30% of the --

MR. FLICK: -- 30% of the surrounding property, if you own 30% of the surrounding property, you have a right to veto, and we do own 30%, since we own many houses along Lenox, as well as the Fisher Mansion.

MR. SIMONS: Go ahead, Marsha.

MS. BRUHN: Okay, I -- I haven't looked at that provision for a while. I believe that that's in effect if land is being rezoned. This land is already zoned Planned Development, and the only thing that's before the Commission at this time is a review of the site plan and the elevations, not -- not the actual zoning of the property. So I believe that's what you're referring to, and I don't believe that that would be applicable in this instance, because we're not rezoning from one classification to another.

MR. FLICK: Well, I guess we'll have to research it.

MR. SIMONS: Yeah, okay. Thank you so much.

MS. GLASER: Mr. Chair, I'm sorry, just one more point.

MR. SIMONS: Okay.

MS. GLASER: Peregrine falcons and blue herons, are they protected wildlife?

MR. FLICK: Yes.

MS. GLASER: They are?

MR. FLICK: Yes.

MR. SIMONS: Any other questions?

MR. GLENN: No, my question has been answered.

MR. WILLIAMS: I'd like to, because I'm not quite sure.

MR. SIMONS: Okay.

MR. WILLIAMS: Right now, is that land, can you walk on that land?

MR. TODD: Well, it is open to trespass. Yes, it is. The land -- the land was at one point in time secured, there was a fence and the City maintained that, but previous development activity, some of it authorized, some of it unauthorized, compromised the gate and the fence, and it has never been properly repaired, thus needing -- well, there have been a couple occasions where it has been, but not to a permanent state, thus making the property open to trespass.

UNIDENTIFIED SPEAKER: I walk up and down that --

MR. SIMONS: Okay. Okay, sir, please. Please, please. Okay, thank you, Mr. Flick.

MR. FLICK: Thank you very much.

MR. SIMONS: Madam, go ahead. Speak up your name clearly.

MS. RICHARDSON: My name is Cathy Richardson.

MR. SIMONS: Cathy Richardson.

MS. RICHARDSON: And I have been a resident in the Jefferson-Chalmers area for over 20 years, as a homeowner. I have witnessed some amazing things within this property, but my concerns are generally that the developer hasn't presented enough of the information to the community in a way that we can actually make a decision if this is befitting and appropriate for what it is that our needs are as a total community. Recently, I took a petition around to block the proposed international border crossing at the end of -- at the foot of Conner, and simultaneously I inquired with all the people that were signing the petition, what they would like to have as a development there, and they said, "We like it the way it is," believe it or not. We have gotten so accustomed to appreciating the greenery, it has such a magical quality to it. I have been so blessed to have been a resident of this adjacent property, that I am a little bit offended that, when Jerome Morgan presented the initial citizen -- to the Citizens District Council, just the recent one, not the 12 years ago, but the recent one, that I inquired as to, you know, what would happen with the trees, and I think I went through the points, and I have issues with the same ones that, like the greenway. When they presented how much they would appropriate for greenway, it was seriously, sufficiently not satisfactory, okay? It was just a tiny little wedge compared to whatever they were, you know, having for their space. And since I do live directly across the street, I will have these major mansions staring at me. I have a little bungalow I live in, okay, which are also the similar residences of all of the people on Lenox. I take, you know, question that, you know, that's not an appropriate balance. Sure, you know, maybe in 12 years there will be some taxes that will be as revenue,

but who knows what's going to happen in 12 years; are we even going to be on the planet? It seems like the way that the planet is going right now -- environmentally, we need the space and the trees, as much as possible, for the oxygenation. It's a jewel on the east side. This is an amazing -- if you have ever walked through there, and I will trespass and I'll take you through it myself, if you even want to like have a little bit of a field trip, okay. As it is, there have been, there's woodpeckers that are just -- like, I mean you hear them, you don't see them, unless you look a little bit deeper. There are all kinds of canary-colored little, beautiful little warbler birds, just phenomenal; there were even foxes there recently, if they still aren't. I know they're kind of sneaky, those fox. You know, so there's all kinds of wildlife and tons of pheasants, and it's actually become a haven for wildlife, a lot of animals live in this woods, believe it or not.

MR. SIMONS: Thank you.

MS. RICHARDSON: I've got a lot of other things I'd like to -- I do have a question with regard to: how is it that the history of Jerome Morgan having presented 12 years ago, when he presented his whole thing and he lost that case with -- unfortunately with the City against Charlie Brown, but how is it that this is able to be picked up right from where it was left off? Is it just something that was, like left on the shelf and then just reconsidered because this is -- that was then, in 1992 or '93 --

MR. SIMONS: Mr. Todd will address that.

MS. RICHARDSON: This is 2005, it's a whole different ball game right now.

MR. TODD: Thank you, Mr. Chair. Again, as I mentioned in the background, it has not actually picked up where it left off. It may have that appearance, but as we indicated, there have actually been two other development proposals for this property in between, since that time, and an entire -- and two different requests for proposals. So this results from a most recent issuance of a request for proposal for the site back in, I believe, August, and it actually comes through an entirely new process. It's just that the developer has chosen to bring back the very same development proposal that was put forward 12 years ago.

MS. RICHARDSON: Okay, I do have just one more point to make. I met a woman who had moved, actually she lived on Lenox, and I asked her, you know, 1963 or something, what that wooded lot area looked like then, and she said every sixth lot had a house, and it wasn't like truly saturated. So we're looking at the density factor. I know this isn't really heavy density at all, but it needs to be



considered, what the original was. Anyway, enough said.

MR. SIMONS: Okay, thank you.

MR. WILLIAMS: This is a real quick question, I hope. Do you live across from one of those houses that you see --

MS. RICHARDSON: Proposed houses.

MR. WILLIAMS: Okay, proposed houses.

MS. RICHARDSON: Yes, I do.

MR. WILLIAMS: Like, about how far down?

MS. RICHARDSON: I live, 248, dynamic number, directly across from the middle of the 200 block.

MR. WILLIAMS: I'm having -- see, I'm struggling with how far down Lenox you can go. And so you can go -- is this the end of Lenox here?

MR. TODD: Yes. It's about two-thirds of the way down.

MS. RICHARDSON: Do you see where -- yes.

MR. WILLIAMS: And there are houses -- there are houses --

MS. RICHARDSON: There's houses all on the east side.

MR. WILLIAMS: -- all the way on the other side of the east side of the street.

MS. RICHARDSON: Where it's gray, yes.

MR. WILLIAMS: Okay, thank you.

MR. JEFFREY: One last question. So that would also mean that you live in close proximity to the Fisher Mansion.

MS. RICHARDSON: Yes, sir.

MR. JEFFREY: Which is a huge house.

MS. RICHARDSON: It is. And I actually have something I would like to add.

MR. JEFFREY: No. No, my point is -- my point is, the Fisher Mansion is similar to what they're talking about building.

MS. RICHARDSON: I'm sorry.

MR. JEFFREY: You're living across the street from the Fisher Mansion.

MS. RICHARDSON: I live down the street from it, yes.

MR. JEFFREY: In close proximity.

MS. RICHARDSON: The gates are open, it's a public -- there's a church, and there is a concern. There is, the church itself has six services a day, seven days a week, and with regard to --

MR. SIMONS: Madam, we will have order.

MR. JEFFREY: Okay, I understand. I was just asking a point. The point that the Fisher Mansion is in itself a mansion in the area.

MS. RICHARDSON: Built in 1923.

MR. JEFFREY: It happens to be owned by a church now.

MS. RICHARDSON: I want to enter this into physical Record.

MR. JEFFREY: Mr. -- Mr. Chair.

MR. SIMONS: Sure.

MR. JEFFREY: Mr. Chair.

MR. SIMONS: Madam, you will direct your question to the Commission, not to the other people in here.

MR. WILLIAMS: She did. She directed it to us, you were talking.

MS. RICHARDSON: I'm sorry.

MR. SIMONS: Be quiet so he can ask the question, okay?

MS. RICHARDSON: Sure.

MR. SIMONS: Okay, go ahead. Go ahead, Tony.

MR. JEFFREY: No, I was just making a comment that -- you know, that's all right. Let's, we can move on.

MR. SIMONS: Thank you. Thank you very much. Sir, go ahead.

MR. STONE: Thank you. My name is Jim Stone, and I'm

looking -- I am not a resident of the area. I have used the parks in the past, as a 25-year resident in the city of Detroit, and I have some very close friends in -- that live on the street and in the community, and I'm one of the people that have been down here, you know, to save Maheras/Gentry, A.B. Brush Ford, even Belle Isle, from development. I'm not against the development in general, because I serve, you may know me from serving on the Brownfield Authority Citizen Advisory Committee, but as a board member of the Friends of Detroit River, I am also pro environment, and that makes me against this project.

I'm not going to debate the zoning, the fact that it is zoned residential. I was not aware of that; I thought it was mixed use. But in any event, it is the last sliver of Detroit River shoreline that's undeveloped on the city of Detroit that does not -- that hasn't -- you know, not counting Belle Isle or the other parks.

The Fisher Mansion is part of the Motor City's automotive national heritage area, which is a very big piece with cultural tourism. The fact, my concern is with this development, it's going to cut off the potential open space preserved that this gentleman mentioned. It would connect A.B. Brush Ford Park and the Fisher Mansion. We know it as the Fisher Mansion woodlot. I would encourage, you know, the existing Council and the new Council to work with the developers to find an alternative site.

Another concern is again with the River, has there -- has there been a study of the high water mark for floods? My impression under the Army Corps of engineers, that in 1986 it was a high water -- they called it the "Palm Sunday flood." Now what provisions have been made for flood control for water runoff and, you know, the proper permits? A.B. Brush -- A.B. Ford Park, rather, my understanding is that that park serves disabled and special needs people, so -- and that's a specialized population, not only for Detroit, but for the whole region. Just like the Fisher Mansion hopes to -- people like to see these automotive mansions, and then they realize, oh, it's been converted into another use, and that's a beautiful thing. The potential that should be there, hasn't been there, and that is something we have to work on. The land's value basically is -- I agree that it's as a park and a nature preserve. There's a thing called the Detroit River Remedial Action Plan that's been ordered by the United States EPA and the Michigan Department of Environmental Quality, and one of their goals is habitat enhancement and storm water management on all parcels of land along the Detroit River. There's -- this parcel has at the far, that would be south point -- yeah, going south to Canada, it has a degraded sea wall that has the potential to be repaired using what's called soft shoreline technology, it would bring back the original native plants, the fish spawning, a whole -- a whole litany of things that have been

classified as being degraded through the years. And again, by having these assets in the city of Detroit, it's going to benefit not only the local residents, but everybody inland, all the way up to Eight Mile Road, so -- another exhibit I have is this article from The Detroit News and Free Press, from Sunday, October 30th, on "Detroit's Blighted East Side Planting Seeds For Rebirth." Between Warren, Conner -- Warren, Jefferson, Conner and Alter, there is a 1,200 acre development with 3,000 homes, 258 million dollars in redevelopment activity. The key points on it are the new and improved parks, plus the greenway, and business connections. If you follow the larger map, it's not shown there --

MR. SIMONS: Steve (sic), do you --

MR. STONE: Jim.

MR. SIMONS: Jim, do you have any -- do you come to Detroit often?

MR. STONE: Yes.

MR. SIMONS: Do you -- what's your interest in this area; I mean, where do you live?

MR. STONE: I live in Utica, Michigan right now. My mother passed away and I inherited a house there.

MR. SIMONS: What interest do you have down here, basically?

MR. STONE: My interest is to see that this land is preserved so that the city residents that live farther back can use it as park land.

MR. SIMONS: I think the city's residents who live there can speak for themselves, I believe.

MR. WILLIAMS: Can he just finish that sentence?

MR. SIMONS: Yeah, let him finish, go ahead.

MR. WILLIAMS: Thank you.

MR. STONE: And -- and when my situation changes, I'm willing to move back.

MR. WILLIAMS: Not that sentence. You started talking about, if you looked at a greater area, you would find --

MS. BRUHN: You were speaking of the far east side.

MR. STONE: The fact that the infill development in Jefferson-Chalmers that they spoke to, some brownfield development along Jefferson, this new project, the Habitat for Humanity and Morningside Developments, by all those new residents and those that have stuck through the hard times, that still live here, their value is going to increase by having access to this park land, and I believe that that makes it a win-win situation, not only for the environment, but for the economic aspect of it.

MR. SIMONS: Go ahead, Tony.

MR. JEFFREY: Is he through?

MR. SIMONS: Yeah.

MR. JEFFREY: Okay. You know, let's reiterate, this land is already designated for development. This plan has been around for a number of years. This developer is not coming in asking to do anything that was not already planned. I can take you to areas in the city of Detroit right now where you will find pheasant. The reason the pheasant are there is because there are no houses, and it's become a wasteland. Do we preserve every wasteland area in the city because we don't want to build houses, to bring in taxes? I mean, I don't even think it's a debate about whether there should be houses there, and that's my point, I mean.

MR. WILLIAMS: Mr. Chair, I do think that there is a debate as it relates to whether the general community has been informed

MR. JEFFREY: We have the Citizen District Council. I would agree that they might need to go back --

MR. WILLIAMS: Citizens District Council indicated that they had not taken this to the community.

MR. JEFFREY: But what I'm hearing, Mr. Williams -- Mr. Williams, what I'm hearing is that they don't want the houses, period. Not that there is some --

MR. WILLIAMS: I'm just --

MR. SIMONS: Commissioners, one at a time, please.

MR. JEFFREY: Okay, I'm willing to listen to somebody saying --

MR. WILLIAMS: I thought I had the floor.

MR. JEFFREY: Excuse me, I had the floor.

MR. SIMONS: One at a time.

MR. JEFFREY: I'm willing to listen to somebody saying we would look at the houses, like the Citizen District Council did, based on these circumstances, but to sit up and talk about all you discussed, whether there should be houses there, to me, I mean they're citizens, they have a right to make their point, but I'm just saying -- I'm just saying there's -- whether there should be houses there is not something we should even consider as a Commission, that's not our job here.

MR. SIMONS: I know.

MR. WILLIAMS: But our job is also to make sure that the citizens in that area have a good understanding of what's going on.

MR. SIMONS: That's just it, the citizens in the area.

MR. JEFFREY: The citizens in the area.

MR. SIMONS: Thank you. Thank you, Jim.

MR. JEFFREY: Through the Citizen District Council that approve the plan.

MR. SIMONS: I appreciate your comments, Jim.

MR. STONE: Okay, thank you. Oh, the Fish and Wildlife Service, they come down here to get pheasants and trap them, and they stock them all over the state.

MR. JEFFREY: Okay, fine.

MR. SIMONS: Come right up, sir, followed by Mandy Palazzolo, followed by Tom Milano. Come right up. Welcome, sir.

MR. LOCICCHIO: Thank you.

MR. SIMONS: State your name clearly for the clerk.

MR. LOCICCHIO: My name is Paul Locricchio. I live at 249 Piper Boulevard, which is two blocks from Lenox, and directly adjacent to the development. I've -- I was born in the city, I've lived on the east side all of my life. I'm about three miles, at the crow flies, two miles from the house I was born in. I've been a member of this community, along Lenox, for over 20 years. The last four years, I've been taking care of the grounds at the Lawrence B. Fisher Estates, better known as the Fisher Mansion, or the Hare Krishna Temple, and I just -- Anthony Jeffrey, sir, you were saying that you don't see --

MR. SIMONS: Sir.

MR. LOCRICCHIO: Oh, I'm sorry, I just wanted to -- you said something, but I'll say it, maybe ask a question, I can touch on it. But like I said, I've been a member of the Fisher Mansion, as a Hare Krishna I've been a member there, trying to maintain the building. This gentleman referred to it as a mansion. Actually it's not. It's -- it's a house of God; God has many names, we call him "Krishna." So, it's been a place of worship. Every Sunday, for years we've had people coming in and out of the community. You know, all around, not just Detroit exclusively. We -- I personally served Rosa Parks in a restaurant. Just, we've had many, many famous people come and see -- see this wonderful jewel in Detroit.

MR. SIMONS: Are you against the project, I assume?

MR. LOCRICCHIO: Sir, I'm sorry I'm taking so long. I'm here to say yes, simply because it will do a number of things. It will bring in taxes, I'm not against taxes and --

MR. SIMONS: You're for the project?

MR. LOCRICCHIO: No, no, I'm just saying it will bring in taxes, but for every gain, there appears to be a loss. And, you know, I mean, my father -- my grandfather was a builder; he was a builder here in Detroit. He built roads, he built apartment buildings. My older brother was a developer; he developed Pine Knob and places like that. So, just looking at the sites, you know, I don't think it's practical. I'm not an expert but, you know, I can see the little inlets for the old existing boat wells, they're decayed, decrepit, I would like to see the guy fix those without a lot of problems. But, see my point, what will change, what will be gained, what will be lost if this goes through, is access to my house will be changed, for three years, minimum. I don't think there is any way in God's green earth he's going to finish that in three years, personally. You know, I do have a little bit of background in business.

The other thing is, you know, traffic, the day and night difference between -- I make, my rent is \$365 a month; you know, sometimes I have a hard time paying that. I'm not going to be able to go to Grosse Pointe, I'm not going to be able to go to Warren, I'm not going to be able to go to all bordering cities in and around Detroit to find housing at that price, and my rent will go up. The property values will change, you know, if this development is successful -- I have my doubts -- but it will mean that I will have to leave. I won't be able to afford where I can afford to live now. You know, the inconvenience for three or four years, not being able to get to my property, to my house, it will be a problem. I mean, I

have a lot invested in the area. Like I say, I spent four years taking care of the grounds at the Fisher Mansion for free, because I wanted it to be better. And I think -- you know, I think -- I'm sorry to take too much time.

MR. SIMONS: We're getting the point. We are a committee commissioned to find the facts; discussion, that's what we're doing. Discussion, okay?

MR. LOCICCHIO: This place, some of the Commissioners feel it's a mansion of opulence and, you know, great money, and welfare, things Detroit would like to become, you know, very affluent. It's not; it's a place of pronunciation, it's a place -- it's been like that since 1976, when it was purchased by Alfred Ford.

MR. SIMONS: Okay.

MR. LOCICCHIO: Now the other thing about the park, sir --

MR. SIMONS: It must be the last one, okay? We got to move.

MR. LOCICCHIO: Sure. I'm just trying to educate, you know, people, because I live there.

MR. SIMONS: Okay, go ahead.

MR. LOCICCHIO: The park at the end of the block is, of course, a handicapped park; it's not, you know, accessed by normal people -- you know, average, you know, able people, it's not really for them. It's for handicapped folks. It's concrete, practically speaking, you know, along the riverfront.

MR. SIMONS: Which park are you referring to?

MR. LOCICCHIO: Angel Park, you know, who would go there?

MR. SIMONS: You said, the park is for handicapped people, or special needs?

MR. LOCICCHIO: Absolutely, yes.

MR. SIMONS: And you agree with that?

MR. LOCICCHIO: Yes.

MR. SIMONS: Oh, okay.

MR. LOCICCHIO: Yes, it is. And, so but it's -- there aren't a lot of parks in the area. It sounds like you live in the



area. You know, there's no real working park in the area. There's some real beauty there, and it will be destroyed. It will change the neighborhood; it will change it, I think, not for the better.

MR. SIMONS: Okay. I think we've got your point, Paul. Thank you so much.

MR. LOCRICCHIO: You're welcome.

MS. PALAZZOLO: Good evening, Commissioners. My name is Mandy Palazzolo, and I'd just like to thank you for this opportunity to share my opinions and beliefs with you, and everyone else here tonight.

MR. SIMONS: Go right ahead.

MS. PALAZZOLO: And I'll just state my insights briefly, regarding my opposition to the development of Morgan Estates. I grew up in the city, and I was very fortunate to live next to woodlands and wetlands very similar to the Fisher -- the Fisher Mansion woodlot, and I spent a lot of my time there exploring, and exploring nature, animals, plants, and I can't -- I personally cannot even fathom the boredom and the trouble-making that my young child would have been filled with but were not for these -- these woods. And I wholeheartedly believe that these experiences and these interactions really helped shape me into the appreciative, caring person that I am today. And I just believe that it would be a great shame to destroy the opportunity to enrich so many young lives in this way, and especially since I'm sure most of the families with young children in the area, like my own family growing up, don't have, don't own a beautiful cottage property, you know, natural surroundings that they can frequent often. And just to -- to really state the point that if all children know is television, video games, and developed city streets, what kind of true balanced development can we really expect for them? Thank you.

MR. SIMONS: Thank you so much.

MR. MILANO: Thank you. My name is Tom Milano.

MR. SIMONS: Thank you, sir.

MR. MILANO: Thank you for allowing me to be here today. I'm a resident of the Jefferson-Chalmers area. I just live a couple streets away from this proposed development. I'm opposed to this development, and primarily because I think this parcel of land offers a unique opportunity, a very unique opportunity. I did an Internet survey of how many nature parks there are in cities across this country; there's 187 nature parks that are there to service the inner

city youths to get -- allow them the chance to get acquainted with nature. I really believe all these years, which has had this paragon about development, and developing by putting homes there, but I think it should be developed into a nature park. Now I have here just a two-page proposal, as if the park already existed, the Jefferson-Chalmers Nature Center, connecting people and nature. I'd just like to leave this here for the Record.

MR. SIMONS: Sure, thank you.

MR. MILANO: So I think in our area, Jefferson-Chalmers, I'm not against development. There's 120 parcels of land that could be -- vacant parcels of land that could be developed, you know, with in-housing, infilling, so if there is development that take place, why not do that first and save this parcel, because what I would suggest, if we could just wait three months, I could come back here in three months, we would have a proposal; there is enough willing of interest in having that made into a nature center; we have a hundred-year-old trees, there's wetlands, there's -- we saw peregrine falcon. Where do you see peregrine falcon? There's all types of unique wildlife. So this lends itself so well to making it into a nature center, and expressly, to help inner city youth.

So I can come here with a proposal in three months. There's a lot of people interested, so many state, there is national organizations; we can buy that parcel of land from the City, come up with a plan to turn it into a nature center.

And as far as taxes, so concerned about taxes, but if you look at Grayhaven, much of Grayhaven is not even all rented out. Grayhaven 2, across, where they have wiped out all the woods on that peninsula there, it's been years, it's only one-third developed, it's like that's a wasteland. Here we took vital woods, cleared it completely, and it's not even developed. So you're talking about taxes, but I don't think it's really the issue. By the time we're going to realize taxes, after all the abatements are there, the City has to come and put in gas lines, sewage lines -- by the time we're going to realize any taxes, it's going to be many years down the road. But I just want to just make my last point, I just think what is essential to all this is the opportunity to turn this unique parcel of land into a beautiful nature center, you know, especially for helping the young people in the city, and people of this city.

MR. LOCICCHIO: It's not a wasteland.

MR. SIMONS: Go ahead, Susan.

MS. GLASER: Thank you, Mr. Chair. Mr. Locricchio, I just

-- you said the end of the street is a handicapped park? I'm not familiar with that.

MR. LOCRICCHIO: Yes. It's -- well, excuse me, Alfred Brush Ford, it's I believe United Fund, or someone like that sponsors it. It's not --

MS. GLASER: So it's not just a handicapped park, it's open to the public?

MR. LOCRICCHIO: You -- the public can drive in, but the park facility, yeah, it's --

MS. GLASER: Handicap-accessible?

MR. LOCRICCHIO: It's handicap. Well, but it's also, there's a building on the property and it's, you know, just to service people with special needs.

MR. WILLIAMS: You don't get into it from Willingston (ph), do you?

MR. LOCRICCHIO: Yes, the only way to get in. There's another park that you -- down the road -- I'm sorry, am I interrupting? Go ahead.

MR. WILLIAMS: No, I understand. Thank you.

MS. GLASER: Did you want to say something?

MR. TODD: I was just going to offer a clarification, if I could, if desired.

MR. SIMONS: Go ahead.

MR. TODD: I was going to say that Alfred Brush Ford Park is accessed at the foot of Lenox, that is the only access point to the park. Sometimes there's a gate there, but as a citizen has stated, handicapped rec center, which was the first of its kind when it was developed, is located essentially at, you know, the extension, if you will, of Lenox. The recreation center is right along the water's edge, and at the very southwestern corner of the park. There is a parking lot above it, and then moving to the west -- or pardon me, the east of there, there is open field, or along with treed area. Also, the history of this lot, it also had military history. There are actually missile silo, one or two that are still beneath the surface on this site as well.

MR. JEFFREY: Do we have any more speakers?

MR. SIMONS: Yes, we do have more.

MR. JEFFREY: Okay, I just wanted to --

MR. SIMONS: Yeah.

MR. JEFFREY: -- let the other speakers have their say.

MR. SIMONS: Do you have a question?

MR. JEFFREY: No, no.

MR. SIMONS: Okay. All right, you don't have a question.

MR. JEFFREY: Well, I think my question, I already know the answer is --

MR. SIMONS: All right. People have questions, they get answers.

MR. JEFFREY: It's not the issue of -- again, it's not the issue, and I can ask each one of these gentlemen and the young lady at the end of the table -- it sounds like, again, it's not even an issue of what type of housing.

MR. SIMONS: We're not here to discuss it, not even talk about it.

MR. JEFFREY: That's not what we're here to consider. I mean, they have a right to -- to request it. But the other point is, isn't there a nature center on Belle Isle that we're having a struggle maintaining? Am I right or wrong about that?

MR. MILANO: That's the City-owned nature center. We're talking about privately-owned nature center.

MR. JEFFREY: No, no, I'm saying if you have resources to support a nature center, and we have one where we need resources, wouldn't it make sense to take those resources, help the nature center on Belle Isle, so the inner city kids --

MR. MILANO: No, this is a different type of nature center. There's learning, hands-on type of nature center, what we're proposing, that would be independently financed. The City would not have to have any financial connection.

MR. SIMONS: Okay, thank you so much. Catherine Wheeler King. And there's a couple other ones here, I have a hard time pronouncing, even knowing the names. 3895 Harvard Street; Steinhauer, is that right? And Milkin (sic)?

MR. MIKULAH: Mikulah, it's must be me.

MR. SIMONS: Right, come on up.

MS. KING: Well, these two are together, so they should sit together.

MR. SIMONS: As long as they don't talk together.

MS. KING: Oh, they'll -- they'll be fine, trust me. My name is Katherine Wheeler King and I'm -- and I'm here wearing three hats tonight. I've been a resident of Lenox; I moved to Detroit for the first time, after spending 18 years in Grosse Pointe, and the reason why I moved there is because of the community there, and specifically, the neighborhood, the Fisher Mansion, the ISKON Temple, and the health issues that this area provides. I lived -- I've lived at 264 Lenox, which is owned by the Detroit Temple of ISKON, for three months, and prior to that time I lived at 236 Lenox, which was owned by Elizabeth Reuther and her husband, and they purchased it from the temple. That was purchased by Wayne County Commissioner Bernard Parker in August. Mr. Parker was going to try to be here tonight; he is not. I met with him and his attorney the other day. He is moving out of Victoria Park. As we all know, the 15-year abatements are up and there is a good, substantial inventory of homes in the 250- to \$300,000 range existing for sale in Victoria Park, as well as other areas. He is -- his main concern, he has obtained money, federal funds; he is the chairman of the Ways and Means Commission for Wayne County. He is also involved and spearheaded putting in the park at Chandler Park, the water park for children. And when he found out that the children and the families couldn't afford that, he went back to the table and renegotiated that, which is a tremendous success, not only for the east side, but for all of Detroit.

So with that in mind, his concerns were the following, which are also, I'm going to address as -- as the most profound legal issues that were addressed by Mr. Smith, about what the duty of this body is; what the duty of the city of Detroit is, with the City Council, and also what the duty mandated by the legislature is for the CDC, to give adequate notice, and due process, and an opportunity to be heard, of the citizens of this community. This is before the Jefferson-Chalmers area, therefore, people like Mr. Milano that spoke, Mr. Milano was a temple president of the temple when it was up and going; bus tours; gardens, we have community gardens going. Right now the Detroit Temple, which is the religious body, a 501C3, which is the religious body, we have Hindus there, we have an Indian community, it is truly what Martin Luther King would call a "beloved community" here. And the children that are in school, Guyton (ph), through the efforts of the Creekside community, we'll hear from their

chairperson, JEBA CDC, U-SNAP-BAC, Linda Smith, all these people got together and they had the Board of Education change their mind to keep Guyton School open, and Guyton School was scheduled to become a senior citizen center. So with all due respect, although I live on Lenox, and I personally distributed, in addition to what some of the other people did, I personally distributed by hand this Notice of Hearing, which I did not receive, Bernard Parker did not receive, and the people that are within the 100 feet did not receive. There are handicapped people; I took a 91-year -- 92-year-old woman that lives right behind me, so she's within this 100-foot area, grocery shopping yesterday, they all want input.

And so what I'm saying is, you know -- and since in the last, since the two years that I've been there, the street has been paved, so there is less traffic; there is -- I'll just be frank with you, even though I want to address some legal issues, and I can tell you the statutes, but you know, and I'm sure Marcell knows what they are better than I. But there are no crack houses on Lenox anymore; there are no drug dealers coming up and smoking dope on the driveways while the kids walk home from Guyton and Stark Elementary and Go-lightly. There are horticulture programs at these schools. These children walk up and down, most of them don't ride bikes because they get stolen, and they deserve to have an area that their grandparents and the elderly, and the disabled, they can't afford to move, and you know what, they're going to be dead in three years. We had meetings through the -- through the people that you've already heard speak tonight, and that you will hear -- I'm the new kid on the block, and I offered to help through the Block Club, Creekside, we had meetings at the Fisher Mansion, and many of those people had not been in the mansion in years, and they came across Lenox and the gates opened. And the elderly people, we have people with emphysema that are disabled, they need -- I told you I'm an attorney so --

MS. BRUHN: We're trying to be generous.

MS. KING: But the point, the second point is, with the economics of it, according to my math, with the figures that you have given me, if the parcels are done, and Mr. Milano is correct, I know people that have a property for sale in the Grayhaven, a luxury home for two million, they just took it off the market because they can't sell it, and that's not complete over there, so with that, who is going to buy these homes? And I know that this body has asked those questions, but I don't think we can assume anything at this point. But who we do have live there are retired people, there are multiple families. I -- I am counsel to the temple for property management; the temple owns seven homes on -- on Lenox, and one two-family on Piper. Mr. Locricchio, Mr. Flick and his wife Ramona that are here, they purchased a two-family home from the temple, and it is the show case of the neighborhood, anybody can tell you that. So properties

are appreciating, but we need to go ahead and fill in the infill housing.

And the last thing is, we've all done -- the Autobon Society is involved, Jim Stone spoke from the real Detroit U.S.G.A. - - we've talked with people from the Governor's Office. There is a protected marine habitat; this is a unique area, it's actually a strait that goes into Canada, and we can get all you all the experts, and all the statistics, and the studies by Bruce Manning, but those are -- those are protected wetlands in there, and you're going to destroy marine habitat species. The bottom line fundamentally is, constitutionally, we're entitled to due process, which is notice, which we didn't receive, and an opportunity to be heard, and third thing is that the water and the air that benefit all of us -- I am no longer disabled from environmental allergies -- belongs to each of us, including the developers.

MR. SIMONS: I'm going to ask you to sum up, please.

MS. KING: My point is that we need an opportunity for Mr. Parker and these other individuals to come and to speak, and to give information to you. Thank you.

MR. SIMONS: Thank you. Next speaker?

MS. STEINHAUER: That would be myself. I'm sorry for my voice, I had laryngitis last night. I have a scripted speech. I'm not much of a public speaker.

MR. SIMONS: Speak your name, please.

MS. STEINHAUER: Susan Steinhauer, 3893 Harvard, Detroit. I did want to make one comment, before I read what I wrote, and that was, Jim Stone's ability to speak in front of this honorable body was kind of taken into question because he doesn't live in Detroit. Well, this is a gentleman that pretty much almost singlehandedly saved Humbug Marsh (ph); he's an awesome individual, very, very committed to --

MR. SIMONS: Just tell us about yourself, please.

MS. STEINHAUER: Certainly. Dear Commissioners, I ask for your time this evening to present information regarding the importance of the historic nature of Grayhaven and the need for greenways, woodlot, to provide public access to land and water (inaudible) in unique Detroit history. I was recently informed that the properties at the west of the island has been deemed City property and will soon be out for development bids. This was a blow to me personally, since the State of Michigan promised a public state

park would be built on the west shore of (inaudible) Building. Grayhaven has an exceedingly (inaudible) history. The parcel up for discussion today once possessed two Fisher Mansions, boat wells, and other buildings housing servants.

The original Grayhaven was the grandchildren of Edward Gray, chief engineer for Ford Motor Company, and developer of the internal combustion engine. Gray bought 60 acres of submerged farmland, part of what was still then called the Gray moray, from D.J. Campau in 1913, for \$100,000. His plan was to build the Venice of the Midwest. An editorial that ran in the Sunday Free Press, 1928, explains the history of the development of Grayhaven. Gray described the years during his creation of an urban yachthman's paradise as prodded with difficulty, setbacks, highhanded business opposition and litigation. A shrewd businessman, Gray created a company to handle the disposal of dirt, rubble, and drenched oils for downtown developers. This barged rubble created the landfill called "Grayhaven." Gray's island and surrounding shores technically could be called a dumping ground. Gray made in excess of \$600,000 providing his barging services. The proceeds, of course, were used to develop his plan for an idyllic riverfront community. This process took many years to complete. Gray had plenty of time to devise his plans for his urban utopia. The first World War played a factor in delaying plans for the development (inaudible) of what Gray naturally enough called "Grayhaven." Gray and his company built barges offshore of the island as part of the war effort. On July 18th, 1922, Grayhaven was plighted and Gray started to heavily advertise in the Detroit Free Press News and the Sunday Tribune, to attract new home buyers. He had the community planned to the last detail. First of all, the (inaudible) property, the island itself was surrounded by two -- two canals, or lagoons, as he called them; to the west was Port Lagoon and to the east was Starboard Lagoon. The two-lane camelback bridge was constructed. This type of bridge allowed for the circumnavigation of the island by even large yachts. Under the bridge approach and hidden from view, a marine machine shop was built. Riverside Drive was built perpendicular to the island, across the north -- along the north cross channel. In actuality, and hidden from view, Riverside Drive provided the (inaudible) for what Gray built as the world's largest boat garage of cement and steel construction.

MR. WILLIAMS: Could you read just a little slower?

MS. STEINHAUER: I'm sorry, I'm trying to get in under my two minutes. The island, one-half mile long, and 300 feet wide, had a single private street, Keelson Drive, which ran down the middle. Each parcel was 50 feet wide and ran from the center of the island to the center of the Riparian Lagoon. By 1926, many lots had been sold and several homes were built or under construction. Gray's big coup



came when the Fisher family bought the entire easterly strip of the 46 lots between Lenox and Starboard Lagoon. Lawrence B. Fisher, one of seven brothers, completed his (inaudible), designed a mansion at a cost of 1.5 million dollars in 1928. (Inaudible) Mansion located on the Detroit River was built for his father. Other buildings on the property housed servants.

Interestingly, Gray's (inaudible) came as a result of a series of litigation between Gray and the City of Detroit officials.

Things were looking rosy for Gray until 1929. At the start of the year, Gray sued the City of Detroit to stop the City from building a marina in the near area which would compete with his. Gray won the suit, but the City retaliated by using the adjacent properties, i.e. Maheras/Gentry Park, as a dump. Gray, outraged, sued again. This time City officials counter-sued Gray for slander. 1929 was a high water year for the River, and Conner Creek had overflowed. Henry Vaughn, Commissioner, Board of Health, City of Detroit, released his statement on April 10th, 1929, to three major papers regarding Grayhaven. In the context of his press release, Vaughn stated that if a dike in Grayhaven broke during the present high water, that a wall 7-1/2 feet to approximately 10 feet in height would float over and flood the adjoining properties and would flood and pass over adjoining streets. Gray responded by paying the paper, printing his response in a form of an open letter to Mr. --

MR. SIMONS: Are you near the end there?

MS. STEINHAUER: -- Henry Vaughn and Mr. John Reed. Gray wrote in part, "As a result of the publication of your utterance, large numbers of people living in the locality, which you indicated would be flooded, were thrown into a panic." I'll jump down.

This attack for the city had struck a near fatal blow to Gray's plans. Perhaps he could have recovered from the City's slander, but the fallen stock market in 1929, and the ensuing Great Depression, proved the fatal blow. Like Campau with Fairview Village, Gray lost his city, his vision, to water and health issues.

In 1936, Gray sold the balance of the island to Garwood, and quietly retired to a home on Berkshire Road in Grosse Pointe Park. He died in 1939. His widow allowed the remaining unsold lots to revert to the City for unpaid taxes.

May I put this into the Record, sir?

MR. GLENN: Yes, please.

MS. STEINHAUER: Thank you.

MR. JEFFREY: Quick question.

MR. SIMONS: Quick.

MR. JEFFREY: It seems like a lot of thought has gone into this nature center. Have any formal presentations been made to the CDC about it?

MS. KING: We have them planned, yes. We have, there is --

MR. JEFFREY: I'm asking, have any plans been presented to the Citizen District Council regarding your thoughts of not doing houses, but doing a nature center?

MS. KING: That was brought up at the meeting, and the recording secretary is not here, but that's what the community has asked for, and that was our understanding of the next step, before coming here --

MR. JEFFREY: So that's a no?

MS. KING: -- that the developer would go back.

MR. JEFFREY: That's a no? The point I'm trying to make --

MR. WILLIAMS: It's a no, Mr. Chair, because they have not had a chance to hear the --

MS. KING: Right.

MR. JEFFREY: This is what I'm saying. The point I'm trying to make is, we're talking about, they brought up the idea of due process -- the developer went to the Citizen District Council.

MR. WILLIAMS: They went to CDC.

MR. JEFFREY: Right.

MR. WILLIAMS: CDC said they were not taken to the community yet.

MR. JEFFREY: Mr. Williams, let me finish my statement. He went to the Citizen District Council.

MR. WILLIAMS: I think you're being rude to all the people.

MR. JEFFREY: I'm not being rude. I mean, that's your opinion. I'm asking a question. The question is this: If you have plans, and you're concerned about due process, you go through the entity that's in the area, the Citizen District Council.

MS. KING: Which is what we did, and Mr. Smith, with the

entire board, Angela, Mr. Myers is here on the CDC, we were not given notice and we were not given an opportunity to come back, so this esteemed gentleman is correct, that that was supposed to be the next stage. I walked in with Mr. Morgan this evening and I asked, I said, "Why -- why are we here?" And this, unlike the Gran Saqua proposals that we all dealt with in June and July, we received in the U.S. mail with two days' notice, and Mr. Todd has walked through this with us -- unlike that, this is called a public discussion; we don't know what that is.

MR. JEFFREY: I understand.

MS. KING: And -- and the opportunity was denied at that time.

MR. JEFFREY: At the Citizen District Council.

MS. KING: No, because we were -- they were instructed, and I believe that they agreed to come back, and those are in the Minutes, and that was Mr. Smith's point, and I believe it's this gentleman's point, and what we're all trying to say, that's not being heard. We haven't had an opportunity. The Audobon Society has come on board, the Friends of the Detroit River, we have Friends of Detroit Rowing, the Women's Club, with the Fisher Mansion, Alfred Ford.

MR. SIMONS: Yeah. Okay, we are going to go on now to finish up the speakers.

MS. KING: Okay, but your answer is no, we were denied that opportunity, that's why we --

MR. JEFFREY: You tried and you were denied?

MS. KING: Because we were supposed to come back before we came here, so we were not prepared.

MR. JEFFREY: Okay, that was my question.

MR. SIMONS: Gentlemen, go ahead, please.

MR. MIKULAH: Ronald Mikulah, on Harvard Street in the east side of Detroit. I'm just going to enter a letter into the Record in regards to the Gran Saqua proposition at the time, in the middle of the year. Just that if anything is done, that a proper and thorough archeological search, similar to the Cobo Hall expansion, be done in the manner of the Fox Creek Master, in the vicinity, and I'd just like to offer a letter into the file.

MR. SIMONS: Okay, thank you so much for coming. Karen

Brown, followed by John Myers, followed by Gwendolyn Mingo, would you come forward, please? We would appreciate it if you kept your comments to two minutes, we got a lot more to cover. Appreciate it.

MS. BROWN: Thanks -- thanks for sticking around so long and hearing us out. We have a lot to say, I believe. I'm Karen Brown, I'm a Detroit resident; I'm the executive director of the Creekside Community Development Corporation, which has been very instrumental in spearheading, in dealing with environmental issues in the neighborhood, as well as developing some new affordable housing in the community and assisting existing homeowners, and we do have some concerns about preserving this open space. Open space is good for community's health, stability, quality of life. You've already heard about the overgrowth of trees, the interesting natural features, the migratory bird path, butterfly path, the habitat for the peregrine falcon and other birds. It's an important little natural area. It's also designated as a protected, or recommended for protection by the U.S. Geological Service.

There also has been a lot of work done by the Trust for Public Land and others around the significant economic impact the green spaces can have in urban communities. I mean, they found studies on Boulder, Colorado, Chattanooga -- Chattanooga, Tennessee, where, you know, once green space was invested in, total property values increased by 5.4 million, which generated another 500 thou. per year in taxes. And that was in Boulder, Colorado, I believe, and a similar gains in Chattanooga and other cities. I mean, green space development is -- is critical.

Also, there are some concerns about the impact of water. We went to a coastal community water forum, land use forum a couple of weeks ago, concerns were raised there about pesticides and other things that could cause further contamination in the Detroit River and, you know, the small canals and tributaries, and additional development of a gated community, a high-end gated community using a lot of pesticides, is likely to cause more contamination in the community.

There is also the issue of air quality, when you destroy trees, and there are a tremendous number of trees down there; many more trees than are in the surrounding parks, it affects the air we breathe. We need those in an urban area to restore air quality.

Also, gated communities really destroy the social fiber of communities. Waterfront access isn't just for the wealthy, not just for those who can afford to live inside of a gate, it's something that we're all entitled to, so please don't do further damage to the social fiber of our community, which has already been damaged to some extent by fostering gated communities in it, and give us -- you know,

give us a community that can live and work together.

MR. SIMONS: Thank you.

MS. BROWN: We're not anti-development. We've got hundreds of parcels of vacant land in the community, we would like to see them developed. Just don't situate it all on the River.

MR. SIMONS: Thank you. Thank you so much.

MR. MYERS: My name is John Myers, I'm with, the president of Creekside, and also a member of the Citizens District Council, but I'm speaking for John Myers tonight. I just want to touch upon one thing that I thought Karen would hit. Creekside recently purchased 70 vacant lots from the City of Detroit, and has just about completed a 45-unit infill housing project, which is now at 35% occupancy, and by mid December we'll have 45 brand new houses. We have over 1,500 vacant lots between the district, the Jefferson-Chalmers District, and we see that as a much larger problem than this piece of vacant land that's on the River, and has been in turmoil since the '20s.

Now, as John Myers, I drive by this every day; every day I go down Lenox, I live on Scripps, which dead ends into -- into Lenox. And I want to just take a look at this planned development district, and one thing in here, and it says, "Such planned --" "Such planned development shall provide desirable environment for the uses proposed --" or "-- proposed should not be out of the harmony with their general surroundings," and as we see, there's not much harmony right now, and we don't see that harmony increasing any. The neighborhood has been given a lot of promises, and a lot of things have gone through the Citizens District Council, and gated communities is not the thinking of urban planners, nor the cities across United States, in the world. And right now, what we have is, down Lenox Street is gates everywhere, and we don't want to see any more gates. Or, to the very far west end, at Clairpointe Woods, against the Citizens District Council, and promises, there is now a 6-foot gate in front of the Clairpointe Woods, because they say that's the only way they can sell their houses. I don't know why they bought their houses, because most people buy houses to live in them, not to sell them. But within three or four years of that development, they now have a 6-foot gate going right down the Connercreek greenway. When Charles Brown did the development of -- I'm not sure what phase that is, Marcell -- they promised the Citizens District Council, and the community, a greenway between Stark School and Remes Robinson School, that didn't happen, and we don't foresee that happening. What we see is a lot of empty promises in developers that don't live in the city, that come in and work with the city, and build these projects, and then they take off, and you never see them again. And this is not harmonizing.

Victoria Park, we were promised at the far east end a park. What we have is a chained up gate, so the kids can't walk through Victoria Park, which is a public -- public city streets, it's not private; it was taken by eminent domain, and it's all paid for by city taxes, and we have this great big island in the middle of our neighborhood, which is already divided because the west end is a little less than the east end, and this is not in harmony. So we just have to look at planned development; what is harmony? Okay, now --

MR. SIMONS: Sum it up, please, John, please.

MR. MYERS: All right. I just encourage anybody to take a drive down Dickerson, Lenox, and take a look at all the gates that we have. And I don't know if this is because there's a lot of incarcerated people that have lived in Detroit, that we just have to have gates everywhere, but it's not the way of urban planning, it's not the way to have a community. Gated community is an oxymoron, as far as I'm concerned.

MR. SIMONS: We appreciate your comments, okay?

MR. GLENN: Mr. Chairman, I would like to just say this, on behalf of all of us, that in a sense there was a commitment made to the community that the developer go back and have a meeting with the people, because I feel if they would of had this meeting, a lot of questions would not be coming up to this table at this particular time. So I am saying that -- am asking (inaudible) that this would not come back to the table until that they have a meeting with the District Council.

MR. SIMONS: I'll ask, John (sic) Smith, would you come to the short table, the table with the mike right in front of you again?

MR. SMITH: Pardon me?

MR. SIMONS: Sam -- Sam Smith. I'm sorry. I'm sorry, come to the -- come to the table, the microphone right there -- right here.

MR. SMITH: Okay.

MR. SIMONS: That's good. You're the president of the CDC, right?

MR. SMITH: I'm a chairperson, yes.

MR. SIMONS: Have you had these people, anyone from the area to come and talk about what they want in that area before?

MR. SMITH: At our CDC meeting, there were people here that were at the meeting.

MR. SIMONS: Okay.

MR. SMITH: And the items that are in that letter, they came as a result of the people that were at the meeting, reciting their concerns.

MR. SIMONS: But your letter stated you had three to five areas that you didn't want, but you never said that you didn't want the project to go forward.

MR. SMITH: No, we didn't.

MR. SIMONS: Okay, that's all I want to know. I won't get into discussion here tonight with that. I thank you very much. That's all I want to say. Okay, go ahead.

MR. JEFFREY: Yeah, just one --

MR. WILLIAMS: Mr. Chair, are you ignoring me on purpose?

MR. JEFFREY: No, let him go -- let him go first. Let Mr. Williams go, he's fine.

MR. WILLIAMS: Thank you. I just want to know the boundaries of Creekside Development.

MR. MYERS: They mimic the Jefferson-Chalmers Citizens District Council.

MR. WILLIAMS: So it's the same as Jefferson-Chalmers? Thank you.

MR. JEFFREY: Mr. Chair, first of all I want to say, somebody mentioned -- you know, I am sorry if I ever made anybody feel like I was being harsh with them, but I am fervent in the fact that we have -- I grew up, I worked in community development, nonprofit community development, I'm sure Karen can attest to that; most of the development I've been involved in has been low-moderate income affordable housing, but -- and I would -- but at some point, don't be opposed to people with money; I don't understand that mentality in the city of Detroit. Because somebody have money, we get mad at them, we think that there is something wrong with them, we don't want them in our community. I mean, at some point -- see, now that's rude -- at some point --

MR. WILLIAMS: That's true.

MR. JEFFREY: At some point, somebody is going to have to pay for the resources that we have in the city, and so what I'm saying is this, if we were talking about, which Mr. -- Mr. Smith is talking about, taking a look at the development and tweaking it, I understand it perfectly and I don't have a problem with that. If we're talking about eliminating the development, and I'm looking through this brochure and the picture has a gate around it, I mean I don't understand why. I'm just pointing out, I'm fervent in that we need not only low-moderate income housing, we not only need to protect those who don't have income, but we also don't need to discriminate and be opposed to people coming into the city who have money. I think that that's -- that's not, to me, that much development, and if I'm going to pay 1.5 million dollars for a house, I'm not going to pay for it in certain areas. There are certain areas where I'm willing to pay for it, that's just the way the real estate market work -- location, location, location. So I'm sorry again if I was -- anybody, if I was being rude. I wasn't being rude, I'm just fervent and get a little excited, so I'll clear that up right up.

MR. MYERS: Mr. Chair, could I add something?

MR. SIMONS: Go ahead, make it quick.

MR. MYERS: One of the problems we have with these gated communities is that when we drive down Lenox and Dickerson, the people coming out of Grayhaven act like they own the road. They don't even want us lowlifes driving down these streets.

MR. SIMONS: Don't say that. What? Who is the lowlife? Do you call yourself a lowlife?

MR. MYERS: And then, when they get up to Victoria -- when you get up to Victoria Park intersection, which is right at Remis Robinson School, they would just assume the school close, because they don't send their kids to Remis Robinson, it's too -- it's a Detroit Public School. What we want to do is build a community, and we're not against the rich people, and that's a -- that's a fallacy in itself, because there is more money in Detroit than anybody wants to admit. But what we want is interaction; we don't want a bunch of gates, we want people to interact, and we don't want them to act like Dickerson-Lenox is a private road to all these gated communities, and that is how they treat the rest of the people that live in this community.

MR. JEFFREY: I agree with that. I agree with that.

MR. SIMONS: Thank you.



MS. MINGO: Good afternoon, my name is Gwen Mingo, and I am the chairperson of the Coordinating Council, which is over all the Citizens District Councils in the city of Detroit. The issue here appears to be related to the residents not being involved in the planning, or even involved in the implementation, what's supposed to happen in the implementation of the development, and we're getting off into this development like it's something that we want to do, the City wants to do, but really, Jefferson-Chalmers is an urban renewal area, and because it's an urban renewal area, it became privy to a lot of money during the past 10 years, a lot of tax dollars, federal money and state money, to implement urban renewal in the interest of the people that live there. And what I hear the people saying is that the urban renewal project was not implemented for 10 years. I don't know what happened to all the money that was poured into that community during those 10 years, because I'm not familiar, that familiar with the area. I have been asked to visit the area lately, and I have driven around, and some of the residents have expressed concerns about what's going on there. But my concern, as a chairperson of the Coordinating Council, is that whatever happens, should be what the people want, and the people should speak through the Citizens District Council and then come back to this table with whatever -- whatever the community decides that they want for the area as a whole.

And another concern that I have is that this talk about gates and gated community. You don't need any gates to have a gated community; it doesn't matter if you have gates or if you don't. The gates are intimidating. The other thing is that you don't need a gatehouse to have gatekeepers, and the city of Detroit should represent the people's interest instead of putting a lot of attention on what the developers want, and that's been what's destroyed a lot of this development in the city, and the morale of the people in the city, and they have not benefitted from the development, neither have they benefitted from the millions and millions of dollars that have been poured into their community to develop the community for them, and to benefit them, and in their interest.

The last thing is the taxes. I heard a lot of talk about the taxes, and what I've seen is that these people don't pay taxes. And then, when it comes time for them to pay taxes, they pack up and shack up and leave, so that shouldn't be one thing that we're banking on to bring money into Detroit.

Another thing is, I heard a young lady talk about her little house sitting across the street from all these mansions, and I've seen throughout the city where these developments come in and the people who were there before, their home is no longer a conforming use, and is demolished. One of the concerns of the Citizens District Council and the people in the neighborhood is that

the people who are there, are allowed to stay there if the development goes forward, and their houses are not demolished because they don't fit in with the new development that's coming in the community.

Another thing is somebody at the table said that they did not receive a Notice, and they didn't receive due process, that was one of the reasons through the Citizens District Council. The Citizens District Councils are not funded and they're not responsible for sending the Notices out. The Notices are generated by the City of Detroit and there are policies, and procedures, and rules with regard to those Notices, and people within a certain radius of that area are supposed to have received Notices about everything, including this building.

Lastly, the people should be involved in the planning, they should be involved in the implementation, they should agree to the development. This money, federal money, is coming into this community, and certainly attributing to this development, and the people who were there first should have input, they should feel that they have input; they should be involved in the implementation, and they should benefit from the development.

MR. SIMONS: Thank you, Ms. Mingo. I have one question for you. You are the chairperson of the Coordinating Council for all of the CDCs?

MS. MINGO: Yes.

MR. SIMONS: Is that correct? Do you meet with the CDCs often?

MS. MINGO: Yes. We meet the first Monday of the month. In fact, if some of you would like to come to our meeting, it's Monday, at 1101 West Warren, Shipper (ph) Towers, University City A, next to University Foods, 6:00 Monday; every first Monday of the month.

MR. SIMONS: Do you discuss things going on in each CDC?

MS. MINGO: Yes. And we are going to have a radio program coming up, a television program coming up soon.

MR. SIMONS: Okay. How many people from the CDCs attend from each one?

MS. MINGO: Probably, different months it's different, but there is supposed to be four representatives from each Citizens District Council area, and sometimes one might show up, and sometimes

all four might show up.

MR. SIMONS: Okay. Well, we appreciate -- do you have questions?

MR. WILLIAMS: Not for -- not for her. I have one for Mr. Todd.

MR. SIMONS: For Mr. Todd?

MR. WILLIAMS: Yes.

MR. SIMONS: Thank you, Ms. Mingo.

MS. MINGO: Thank you.

MR. WILLIAMS: I'm trying to get a feel for this whole gated concept, because there are gates and then there are just, you know --

MR. SIMONS: Well, we can excuse you now.

MR. WILLIAMS: Is this whole area fenced?

MR. TODD: Yes. The dashed or dotted line, that you may be able to make out along the northern border of the property running along both maps is indicative of a fence. The only entry point is here, again at the T-intersection of Korte and Lenox, where the gatehouse and gate features are supposed to be located.

MR. WILLIAMS: Okay. Then, now walk -- walk me through this green space that is supposed to be public green space.

MR. TODD: Okay.

MR. WILLIAMS: On that map.

MR. TODD: All right. Just to make a quick reference again back to the section, we have Lenox here, have a greenway essentially here, and it's roughly 40 feet in width, that is generally proposed at this point in time. It is within that 40 feet, which is generally shown here, that the fence and landscaping could be located. Again, this is an older drawing, which would show the fence on the outer side, or the Lenox side of the development proposed. The developer has already agreed that that fence could then be moved inside, and actually may be hidden by the plant material, thus making a way for the greenway, the pathway to actually run within this area, in conjunction with a portion of the right-of-way. It's a level of detail that would have to be worked out in terms of the actual design of it, whether a portion of that might actually be deeded back to the

City, whether it becomes some -- part of some other larger greenway.

I guess it would be, again, the intention to work with the greenway project that's already underway, maybe even bring the greenway initiative of the community, foundation, and others to actually determine how it can be done. But essentially, you have that 40 feet, along with a portion of the public right-of-way, that could be combined in some fashion to provide for a greenway, a path, bike path, pedestrian path, and landscaping, and the fence.

MR. WILLIAMS: Finally, Mr. Chair, this -- this Commission quite frequently says to, and I believe that they should say this time, that this plan needs to have greater exposure in the community than it has up to this point.

MR. SIMONS: I agree. I agree. You have a comment, sir?

MR. NYECHE: Again, my name is Chidi Nyeche with Planning and Development Department. For the Record, we agreed, when we appeared before the CDC, that the department, the City will come back to the CDC when the plan is fully developed, and also will be willing and available to address the concern that they have. Both P&DD and CPC staff, along with the developer, been working together to address all the issues, all the concerns that Mr. Smith and the CDC provided us. We are fully working together with them to make sure that this plan reflects some of, most of the concerns that they have, and we are willing and available to appear before their next meeting, to at least speak with them and share some of the other plans that we have. Even when the plan, when it will be fully implemented, we will still agree to go to the CDC to share what the final plan will be. But for experience sake, to allow us to go forward with the process (undecipherable) CDC support us in making those necessary stage possible.

MR. SIMONS: Yeah. Mr. Todd, will you put this meeting together, make sure that these people meet?

MR. TODD: Mr. Chair, the CDC actually has that responsibility. I believe Mr. Smith had indicated to (inaudible) staff that following this meeting, that maybe following the CPC meeting, and then the upcoming CDC meeting, that a community meeting would be established. So the CDC actually intends to follow up, and set that up.

MR. SIMONS: Okay. That would include the Planning and Development?

MR. NYECHE: Planning and Development and the CDC staff.

MR. SIMONS: Mr. Smith, do you have an idea when that

meeting will take place?

MR. SMITH: I assume, that we get information saying that they're ready to come before the --

MR. SIMONS: Okay.

MR. SMITH: We have seen that.

MR. SIMONS: Okay.

MR. SMITH: And we ask for more.

MR. SIMONS: Oh, okay.

MR. SMITH: And when the more comes, we will call a community meeting.

MR. SIMONS: Very good. You have a question?

MR. JEFFREY: To Mr. Smith.

MR. SIMONS: Yeah, go ahead.

MR. JEFFREY: Mr. Smith.

MR. SMITH: Yes.

MR. JEFFREY: Again, what I'm hearing tonight is two ideas of what should be done with the land. One is the housing development, which I would agree that the CDC needs to review and sign off on, final. The other is some other type of use for the land. Now, is the CDC -- well, I guess you can't speak for the -- has there ever been any serious consideration to do anything but housing with that parcel?

MR. SMITH: No.

MR. JEFFREY: Okay, that's what I want to know. So as the CPC go out, we're following the Development Plan of the community; we are following the Development Plan that the community presented, and it asked for housing. You know, I don't like people making it look like we are not giving the community what they want. This Development Plan came from the Jefferson-Chalmers Citizen District Council. Am I right?

MS. BRUHN: Yes.

MR. JEFFREY: I mean, not this particular -- the idea of housing, I mean --

MS. BRUHN: Right.

MR. JEFFREY: -- in that area.

MR. SIMONS: You have a question?

MS. KING: I have a comment.

MR. SIMONS: Just a comment. One comment, please. Go ahead.

MS. KING: The clarification, the momentum, and the input for a community conservancy, came up as a result of the Gran Saqua process, where we had community meetings and got back to the CDC, which was cancelled. Mr. Todd was present for that, 40-50 members, because we had a little time; that was cancelled. In the meantime, none of these people that spoke here have stopped for a minute. We have about 50 experts, we're doing studies, we're doing surveys, and we have funding on the line.

MR. SIMONS: That's all we need to hear. That's enough for that, okay?

MS. KING: But the correct data -- I wanted to correct the statement about the conflict between what CDC agreed to and what is coming out from the community. We can't say yes or no yet.

MR. SIMONS: Thank you. Thank you.

MS. KING: Thank you.

MR. SIMONS: Do you have anything else to say, sir?

MR. NYECHE: Well, just for the Record, we are working very closely with MDEQ in any of the solution, even with Grand Sakaw, we are making sure that putting comment, or any issue regarding this development is being addressed fully. Thank you.

MR. SIMONS: Thank you so much. And let me say, at this time, that ends this public discussion. We appreciate your attendance here, all the people who have participated, and we will meet again.

MS. BRUHN: Mr. Chairman?

MR. SIMONS: Yeah.

MS. BRUHN: Can we take a five-minute break?

(WHEREUPON, a recess was taken from 8:15 p.m. to 8:25 p.m.)

MR. SIMONS: We are now ready to resume our meeting. We will begin with public discussion, the request of Caraco Pharmaceutical Laboratories, Limited, to purchase City-owned property in the area of Holden and Elijah McCoy in the University City Project area and for PD (Planned Development District) plan approval to allow for the expansion of its manufacturing facility. Presenter will be Mr. Gregory Moots, staff member.

MR. MOOTS: Good evening. Caraco is petitioning both the purchased land from the City, and also to expand an existing manufacturing facility. Just to orient you with the property, this would be north. This is the Elijah McCoy, this is Elijah McCoy Drive. The Lodge Freeway is running this way, under railroad tracks, roughly parallel with Elijah McCoy. Holden Avenue is to the north; Lincoln is to the south. The outline here represents the existing Caraco manufacturing facility. The PD zoning district is bounded by Hobart, this line, the railroad, Holden and Elijah McCoy. The balance of the property under consideration this evening is zoned M4. So it's before you for development, both on PD and M4 property. Expansion site, this area here is presently vacant. They are adding a building out approximately 103,000 square feet, which is actually a bit larger than their current facility. That would be this new building here. There is also a new truck well at the north -- northeast corner. The building is this -- the western part is one-story in height; the eastern portion is two stories in height. New parking is being added to the north, parking area, and then there will be new parking here and here. The perimeter will be landscaped, as would this area here, buffering the parking lot. The landscaping on the Elijah McCoy, this part as it is today, it would be continued.

These are some pictures of the existing facility. It is a precast concrete, it is tannish -- the plot didn't come out exact, but it's pretty close. So it's a precast concrete building. This is a rough finish; this is vertically -- this has vertical lines in it.

I've got a closeup of that here. You can see it a bit closer and here, even better. The addition would be exact to what's there today. It is in the Rosa Parks subsector of the near northwest sector of the Master Plan. The Master Plan does show light industrial as the future land use of the site. This is also the researched (inaudible) for urban renewal plan area. That plan also shows light industrial as the future land use. Planning and Development Department is reviewing the proposed expansion with conformance with the Development Plan for the area. University City A, Citizens District Council, has viewed this, but has taken no action to get, submit comments for your table packet. The Chair did submit comments for your table packet this evening, which you have.

On staff's review, the parking proposed is in conformance

with the City's parking requirements. The development does also appear to be in conformance with the Urban Renewal Plan. And again, Planning and Development is making a formal review. The part of the facility in M4, the use is allowed in the M4 zone as a matter of right. The developer is here, as is also the Planning and Development Department, so they will be happy --

MR. SIMONS: Sure, okay.

MR. MOOTS: -- to answer any questions you may have.

MR. SIMONS: All right. Planning and Development would like to come up and perhaps there's some questions. Good evening.

MR. MARTURANO: Good evening, Commissioner.

MR. SIMONS: State your name for our clerk.

MR. MARTURANO: I'm Dominic Marturano from Planning and Development Department.

MR. SIMONS: I'm sorry, say it again.

MR. MARTURANO: Dominic Marturano.

MR. SIMONS: Marturano.

MR. MARTURANO: And this is Mr. Michael Perry from the Caraco, and he's also Planning and Development. Just to add on to what Greg might have had, I would say that the Caraco is proposing to invest over 17 million dollars in this expansion project, and I believe they have -- Mike can also correct me -- about 200 employees at the present time, and they propose on adding at least another 50 employees. And just as a side, they will be getting an industrial tax abatement under Public Act 198, and this was one project back in 1991, when Dr. Curry (ph) set this up, I was working on the tax abatement program back in those days, and worked on this particular project, when there was only six employees at the time, and they started out with a 9 million dollar investment, so it's come a long way since that period of time. The city parcels are going to be -- there will be 23 parcels, individual parcels, that they'll be buying from the City of Detroit, that we will be going to Council to ask for approval on the sale of the property. I just wanted to add that.

MR. PERRY: I add only, that a little bit low on the numbers. We currently have approximately 250 employees, and we'll be adding probably between 50 and 100.

MR. LEE: I have nothing to add.



MR. SIMONS: Nothing to add. The building that you're going to do, is it similar in design to what you have right now?

MR. PERRY: Yes.

MR. SIMONS: And you're going to add to; it's going to be an office building, or pharmaceutical?

MR. PERRY: Actually, we've got one of our engineers here, but the building will be additional manufacturing space.

MR. SIMONS: Manufacturing, okay. Okay.

MR. PERRY: That's -- that's what's contemplated.

MR. SIMONS: Any other questions from -- MR.  
GLENN: Just, is there any community homes around in that area, in the area that you have already established and maintained?

MR. PERRY: There are some apartments across Elijah McCoy, from us.

MR. GLENN: So that they been compatible with the height of the building that --

MR. PERRY: I believe that is correct. I think there are two or three, it's at least two, I'm not sure, it looks -- it looks about two.

MR. MOOTS: The property, their proposed facility is again one and two-stories in height, so a low, relatively low height. It's manufacturing, so it's tall stories, but still, you know, 34, about 35 feet to the top of the second story, so, you know, that's the height really of a tall -- you know, the top of a peak of a colonial, almost. And the Elijah McCoy, you know, the apartments are right on the Lodge, and obviously that's a high-rise development.

MR. SIMONS: Somebody else have questions?

MR. WILLIAMS: Yeah. I know that they have (inaudible)  
zone --

MR. JEFFREY: That's what I was getting at, Section 108.

MR. WILLIAMS: Okay.

MR. SIMONS: Yeah, I remember that one.

MR. WILLIAMS: But they were -- are they now in compliance?

MS. BRUHN: Yes, since -- I don't know if they want to speak to it, but since -- since the firm was -- was it taken over --

MR. PERRY: We received --

MS. BRUHN: By Sun, was it Sun?

MR. PERRY: Well, we're a publicly-traded company. Sun currently owns about 71% of our stock, but that the arrangement you're talking about is when Sun came in and made an investment in the company, yes.

MS. BRUHN: Yes, and so they have been current, paying off the 108 loan.

MR. PERRY: I believe it's paid off, I think, yeah, as of 2003?

MR. MARTURANO: That's 2004, the loan with the City?

MS. BRUHN: On the 108 loan, I know the last report we got from the Planning and Development Department in the spring, last spring, it implied that there was still payments being made.

MR. PERRY: I'll have to look into that. My understanding is that we're debt-free, quite frankly, I mean in terms of loans, outstanding loans, but we can certainly look into that.

MR. MOOTS: Commission staff can check on that, and Planning and Development can report back by your next meeting.

MR. SIMONS: Is there anyone here from the community? I don't see anyone.

MS. BRUHN: Mr. Chairman?

MR. SIMONS: Yes.

MS. BRUHN: Since Carolyn Walker, the chair of the University City, a Citizen District Council did raise some questions, I think it might be a good idea just to raise those today.

MR. SIMONS: Sure.

MS. BRUHN: I know that these are questions that have to be addressed. Some of these are not clear to me, but the first four are clear. "Is the land environmentally safe?" Second question: "Was there an environmental investigation?" The third: "Was there an RFP put out?" And maybe Mr. Marturano can speak to that. And, "Are there any tax credits or abatements?" And that's probably intent --

you know, are there any intended for this? Then, they also raise a question about the Memorandum of Agreement. I'm not sure who that was between. They indicate they want to sign another one, and they say 20% should be neighborhood residents, and I'm not clear about that so I think, maybe we need to get some clarity.

MR. SIMONS: Yeah, I think they're talking about homes, evidently.

MR. MOOTS: No, they're talking about hiring.

MS. BRUHN: Hiring.

MR. PERRY: I can address a couple of them. We did do a phase 1 and phase 2 environmental study on the property. What was the -- is it environmentally sound?

MR. JEFFREY: Right.

MR. MOOTS: Is it safe?

MR. PERRY: I'm not an engineer -- in fact, I can barely understand those phase 2 studies, but both of them have been completed, and obviously we'll have to act accordingly, to what it has been before.

MR. SIMONS: Have they had a meeting with the CDC?

MR. MARTURANO: Two. We were with the CDC twice, back in March and April -- March and April.

MR. PERRY: There were the two meetings back in March and April. And then Ms. Walker subsequently sent a list of questions to us, very similar to this list, as a matter of fact, and we responded to her in writing on those in June, I believe.

MS. BRUHN: Could we get a copy, through the Chair, see if we can get a copy?

MR. MARTURANO: There was no RFP on it.

MS. BRUHN: Oh, no, because of course, this is an expansion of an existing facility.

MR. MARTURANO: No RFP on it. And there was a tax abatement, there will be another tax abatement on this investment, too, so under Public Act 198.

MR. JEFFREY: What about the 20%?

MR. PERRY: 20% of jobs --

MR. JEFFREY: I think she was talking about jobs to community residents.

MR. PERRY: One of the things that we did, and you can -- you can see it when we submit the letter that we responded, and I apologize for not bringing it this evening, I didn't know I'd need it -- we gave a break down of our employees by zip code. I don't know whether we've got 20% currently within the CDC, I just don't know, because I don't know what their zip code boundaries are. I wish every one of our employees lived right across the street, quite frankly. I mean, it would make absentee problems go away by large, tardiness problems go away by large, and Caraco is very strongly committed to the city and the neighborhoods, so I would love it if, as I said, every one of our employees lived within three blocks. I'd be hard-pressed, however, to be able to guaranty any particular percentage because, you know, obviously we have to conduct interviews, we have to make sure that the employees that we have are qualified. And -- and by that, don't get me wrong, I mean none of our jobs particularly require, you know, very high levels, you know, advanced degrees, things like that. We have as our -- as our minimum requirement, a GED. So, but again, hard-pressed to be in a position where we can guaranty a fixed percentage.

MR. MARTURANO: Mr. Chairman, I would just interject, though, again from my experience with the -- they will be required, as a tax abatement, to submit to the Human Rights Department the -- the status of their employees today, and also any goals. And as I recall, there are percentages, that there are goals that they would like each company to meet in terms of male/female, minority hiring, even under specific categories. Now granted, it is a goal, but this is something that they would have to get approved, and I'm guessing that, you know, they will be processing -- they did it back in 1991, they will do it again today or tomorrow, whenever they're going to do it but --

MR. SIMONS: Very good.

MS. BRUHN: I think it would be very helpful because -- for you to provide some information to us on the number of people that you have working there who are within, I don't know, one or two mile radius.

MR. WILLIAMS: You could do it by zip?

MS. BRUHN: Zip code, because -- because this is a question that is very likely going to come up at City Council, and so I think we might as well anticipate that.

MR. PERRY: I mean, the list was prepared in June, and it just simply has to be updated, and that's not a problem.

MS. BRUHN: And as far as the job monitoring report, I know that companies have set out goals, but at least the City Council is becoming much more firm about adherence to those goals, and even to the point of considering requesting a cancellation of a tax abatement if -- if the goals aren't met. Thank you, Mr. Chair.

MR. WILLIAMS: So one of the things I'm not quite sure -- I'm sorry.

MR. GLENN: Go right ahead.

MR. WILLIAMS: I'm not quite sure that that process is understood by you, so I would hope that you would walk through that process, as it relates to the fact that there are some requirements in terms of the percentage of people who are required to be in at least the city, etcetera, etcetera.

MR. MARTURANO: Right, in terms of the -- that's on the form. That's a given in terms of the -- like I say, there's a male/female, and there is a break down of minorities, as I recall, right across the board, and there is a given percentage that is set by the Human Rights Department under each category. And again, like I say, it's a goal.

MR. PERRY: May I ask a question? What in terms of these -- these goals that you're talking about, what do you -- do you have any idea what the relative percentages are? I mean, is it --

MR. MARTURANO: It would be on the form.

MR. PERRY: The only reason I ask, we had submitted a letter, I believe back in January of '04, at that time 70% of our work force was from within the city of Detroit. I don't know if that's the kind of thing, or if it has to be more specific, by neighborhood or what.

MR. MARTURANO: No, no, no, not by neighborhood.

MS. BRUHN: Just Detroit-based.

MR. JEFFREY: Just Detroit-based.

MR. PERRY: And I don't think those percentages have changed dramatically in the subsequent 18 months.

MR. WILLIAMS: Okay, that's official.

MR. JEFFREY: It seems like I remember when -- did they do -- did we do some kind of change in the Development Plan or something? The last time they came, that question was asked, and I thought it was around 70%, too.

MR. MOOTS: Yeah, the CDC I believe did comment when the land was -- when they did the --

MR. JEFFREY: What was it?

MR. MOOTS: When they expanded last time.

MR. JEFFREY: Right, right.

MR. MOOTS: The CDC did come and I believe they basically had that same concern --

MR. JEFFREY: Right.

MR. MOOTS: -- for local hiring. The CDC probably doesn't define local, as City of Detroit, though, within -- you know, fairly small, ideally within the CDC boundaries. But they can even say they -- you know, possibly they will advertise open positions with the CDC or something, to give residents, you know, an opportunity, so they at least know of available positions or something, and try to address that CDC concern now.

MR. SIMONS: Commissioner Glenn, you had a question?

MR. GLENN: I just want, would like to ask, what kind of time frame are we working on?

MR. MOOTS: In terms of?

MR. GLENN: Getting this, moving this along.

MR. MOOTS: You can take action whenever -- you know, the Commission can take action, obviously, whenever it wishes. If there is no outstanding issues at your next meeting, if you'd like --

MR. GLENN: I don't see why we need --

MR. SIMONS: I was going to mention it, but --

MR. GLENN: I don't want to see these smiling faces, so I was going to ask you that.

MR. SIMONS: We need to hear from the CDC. Maybe the question has been answered. That's about my only question.

MS. BRUHN: I don't know, and my guess is that the CDC is probably not satisfied with the responses, because that's why they submitted the letter tonight.

MR. SIMONS: Well, as soon as we hear from CDC, I'd be more than happy walking through.

MR. PERRY: I'm sorry.

MR. SIMONS: Go ahead.

MR. PERRY: If I remember the list of questions that you just read, I think -- as I said, I can -- I can submit the letter that we gave to the CDC in June, you know, as early as tomorrow. The questions sound very similar to the ones that Ms. Walker raised in her correspondence with us, and you can see what our response was at that point, along with an updated -- as I said, updated zip code list of current employees.

MS. BRUHN: Mr. Chairman, I know staff supported of the land sale, and we're really pleased that Caraco has operated successfully and done so well over the years, but I would -- I would be more comfortable, at least having an opportunity to talk to Ms. Walker, and read the letter that she submitted, so that it doesn't look like we haven't at least taken their comments into account and been satisfied with the responses.

MR. GLENN: Just let me ask the question and that's, if we would pass this to move forward based on the satisfaction that you get from her --

MR. SIMONS: No, I don't think so.

MR. GLENN: If the question and everything is satisfactory, then that's all the holdup is on this, and it can move forward.

MR. JEFFREY: The question is, who decides whether it's satisfactory?

MR. WILLIAMS: The City department staff -- staff. That's

what they do on most of the projects anyway.

MR. GLENN: I'm just saying, I'm just --

MR. WILLIAMS: If there is a legal, or something that is a concern, that's a different matter, I mean.

MR. GLENN: But if they would be more comfortable --

MR. WILLIAMS: Just bring it back and --

MR. GLENN: Yeah. I guess I'll have to look at them again.

MR. WILLIAMS: We can see the letter in the meantime, and we can make sure that she understands, in phase 2, it means you have to do something with the environment, all that. I mean, she may not understand your answer.

MS. BRUHN: Well, Mr. Chair, there -- I was speaking earlier, there was a residential project in the same area, it was a conversion of a vacant industrial building --

MR. GLENN: Building into --

MS. BRUHN: -- into lofts. They raised a lot of concerns about the environmental issues, and didn't feel that was a suitable site for residential, because of the previous use of the building, and they opposed it. Now we have a situation where we have an existing industrial facility, a manufacturing facility that wants to expand on land that's properly zoned, it's properly shown in the Development Plan, it seems perfectly appropriate, and now there are questions being raised about, you know, is it environmentally safe, and what -- what has been done. So, I just -- I just think that, I think we would better off waiting. And I don't know what your time frame is for construction.

MR. PERRY: Well --

MS. BRUHN: I don't think it's going to get through Council before they recess, which is in two weeks.

MR. PERRY: Well, part of our -- I don't want to -- I don't want to call it frustration -- you know, that's sort of what it is -- is that we've been trying to acquire the land for the better part of two years.

MR. SIMONS: Really?



MR. PERRY: Yeah.

MR. SIMONS: It never -- it never came on --

MS. BRUHN: No, it just came to us.

MR. SIMONS: Oh.

MR. MOOTS: It's not Commission.

MS. BRUHN: It's not --

MR. PERRY: So we were -- we were hoping to be able to, you know, get through this part of the process, with a chance of actually getting in front of the Council before they -- they recess. I understand your concerns. Obviously you have certain responsibilities and you want to make sure those are met.

MS. BRUHN: And I know it's a real concern this year, because they're recessing very early. They're recessing on the 18th and not coming back until, I guess, January 4th.

MR. SIMONS: 18th of November?

MS. BRUHN: Yes.

MR. JEFFREY: Is it possible that they will get to Council before the 21st?

MS. BRUHN: That?

MR. JEFFREY: This.

MR. SIMONS: Our next meeting is not until the 17th.

MS. BRUHN: Well, if the Commission acted tonight --

MR. MARTURANO: We would still have to take it to Council to get the approval, and we'd still have to get the Development Agreements --

MR. SIMONS: Yeah, right.

MR. MARTURANO: -- pulled together, signed.

MS. BRUHN: I don't think you're ready to do that.

MR. MARTURANO: We have to get the approval before we can get the Development Agreements, get this financed, the Law

Department, our usual process.

MS. BRUHN: So it's going to be after the 1st of the year.

MR. SIMONS: So let's just do it the way that we feel the most comfortable, and we'll come back.

MR. PERRY: As you wish. Is there any way I can get a copy of that, so that I can make sure this time I answer every --

MR. SIMONS: I have a --

MR. PERRY: Thank you very much.

MS. BRUHN: Thank you.

MR. SIMONS: Well, gentlemen, thank you very much. Come back hopefully within --

MR. PERRY: Okay, thank you.

MR. SIMONS: Thank you so much. I'm sorry, we've got one more thing. Are you ready for it, or you want to --

MS. BRUHN: The Director's --

MR. SIMONS: No, the City goals and objectives, you want to talk that out? The Commissioner's comment we can put --

MS. BRUHN: Yeah. I -- I'm not prepared this evening. I cannot tell a lie.

MR. SIMONS: Do we have a Director's Report?

MS. BRUHN: I don't have it written. I just want to tell you --

MR. SIMONS: Don't have it written? What do you mean?

MS. BRUHN: I've already told you about the Council recess. And I just wanted to let you know that the reason we have a court reporter here tonight is that JoAnn Jeromin lost her father.

MR. SIMONS: I'm sorry to hear that.

MS. BRUHN: The viewing was today, the funeral is tomorrow morning at 10:00, at our Lady of Grace.

MR. SIMONS: Would you send out a card for all the

Commissioners?

MS. BRUHN: Well, actually we -- we did send --

MR. SIMONS: A sympathy card, okay.

MS. BRUHN: And flowers, yes. And Lorraine Leonard, also, my administrative assistant, lost one of her brother-in-laws, so it's been quite a week at the office. But that's all I have, Mr. Chair. Thank you.

MR. SIMONS: Very good. Anything else?

MR. WILLIAMS: Mr. Chair, the Vice-Chair would like to say something.

MS. GLASER: Thank you. I just want to let everyone know, I won't be here at the next meeting.

MS. BRUHN: Okay.

MR. SIMONS: And I suspect I won't be here at the next meeting.

MS. GLASER: Oh, you're kidding?

MR. SIMONS: I'll be in Florida with my daughter.

MS. BRUHN: All right. Well, we'll just have to ask somebody else to chair the meeting.

MR. SIMONS: All right. Anything else?

MR. GLENN: I'm not saying a word.

MR. SIMONS: Well, we have to have a motion to adjourn.

MR. JEFFREY: So moved.

MR. WILLIAMS: You can adjourn anytime you want to, Mr. Chair.

MR. SIMONS: Adjourned.

(WHEREUPON, the City Planning Commission Regular Meeting was adjourned at 8:56 p.m.)

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STATE OF MICHIGAN)

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COUNTY OF OAKLAND)

I certify that this transcript, consisting of one hundred ninety-six (196) pages, is a complete, true, and correct record of the City Planning Commission Regular Meeting, held on November 3, 2005.

I also certify that I am not a relative or employee of or an attorney for a party; or a relative or employee of an attorney for a party; or financially interested in the action.

Date: 11/15/05

**Jami Buckner**

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